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CITY OF BOSTON.

MANUAL

OF THE

HEALTH DEPARTMENT.

1890.

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THE GIFT OF

SAMUEL ABBOTT GREEN, M.D.,

OF BOSTON.

(Class of 1851.)

13 Jan. 1891.

Boston, Mass. — Board of Health.

CITY OF BOSTON.

MANUAL

OF THE

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~~V. 3827~~

13 Jan 1891.
Letter
from S. R. Green
of
Boston.

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This Manual of the Statutes and Ordinances relating to the Public Health has been prepared for convenience of reference. The principal subdivisions of the Health Department are also described, and the Rules and Regulations governing them are given. For many of the intelligent summaries of the decisions of the Supreme Court of Massachusetts, cited in connection with the Statutes relating to health, we are indebted to the Manual recently issued by the State Board of Health of Massachusetts.

The first Board of Health in Boston was established in 1799, under the special statute of February 13, 1799. The first collected edition of the statutes under which this Board acted was published in 1811, and contained also the regulations of the Board. This Board had, in substance, the same powers as the present Board of Health, and was abolished by the first City Charter. The present Board of Health was established by the ordinance of December 2, 1872, and has published annual reports since 1873. From 1822 to 1873 the functions of the Board were exercised through the City Council. The Health Department, created by the Revised Ordinances of 1890, continues the Board as established in 1872 and first organized on January 15, 1873.

OFFICE OF THE BOARD OF HEALTH,
BOSTON, October, 1890.

ORDINANCES RELATING TO THE PUBLIC HEALTH.

HEALTH DEPARTMENT.

CHAPTER 25. SECTION 1. The Health Department shall be under the charge of the Board of Health, consisting of three Commissioners, who shall have and exercise all the powers of the City Council and of the Board of Aldermen relative to the public health; shall have charge of all matters relating to quarantine; shall have charge of the quarantine-grounds, and of all matters relating thereto, which grounds shall consist of Gallop's island, and of that portion of the harbor known as the President Roads, between Long, Deer, and Spectacle islands; shall have charge of all hospitals established by the City Council for the admission of persons having the small-pox or other infectious diseases, and of the patients in such hospitals; shall establish and maintain bath-houses; shall authorize the occupancy or use of stables; shall have the care and custody of all the burial-grounds owned by the city, except Mount Hope cemetery, and shall keep the same in good repair, secure from trespassers, and prevent any nuisance therein; may sell and convey sole and exclusive rights of burial, of erecting tombs, cenotaphs, and other monuments in any lot or lots which the city may own in any burying-ground which may be in charge of said board, and shall have the supervision of the burial of the dead. Said Board shall see that all statutes, ordinances, and regulations relating to the above matters are strictly observed.

Health Commissioners, powers and duties. Revised Ordinances, 1890. 1821, Chap. 110, Sect. 17.

SECT. 2. Said Board shall require that the Physician to the Board shall, without charge therefor, other than the salary paid him by the city as such Physician, attend upon all cases requiring medical or surgical services in the Jail, the City Prison under the Court-House, and the City Temporary home; when requested by the Board of Police, examine all candidates for

Certain duties to be performed by the Physician to the Board.

appointment on the police force, and the condition of all members of the police force absent from duty on account of disability; when requested by any committee of the City Council, examine the condition of persons who have sustained injuries by reason of accidents for which the city may be liable; when requested by the City Registrar, report to him the causes of death of all persons who die without any physician in attendance; vaccinate and revaccinate all inhabitants of the city who desire such vaccination; give certificates of vaccination to children who have been vaccinated and require certificates thereof for admission to the public schools; have on hand, as far as practicable, a sufficient quantity of vaccine virus, and supply the same to the physicians of the city institutions and of the Boston Dispensary.

Physician at quarantine may be assistant physician at Deer island.

SECT. 3. The Physician and Assistant Physician at the quarantine-grounds shall reside at Deer island, and may, if the Board of Health and the Commissioners of Public Institutions so agree, be assistant physicians for all the institutions on Deer island, and in the absence of the physician in charge of said institutions, perform his duties.

Cleaning vaults

SECT. 4. Said Board shall keep books in which shall be entered all applications for opening and cleaning vaults, and such applications shall, unless the whole contents of the vault are to be taken, specify the number of loads to be removed; said Board shall from time to time, after advertising for proposals therefor, make contracts for terms not exceeding three years for cleaning all vaults in the city, and removing the contents thereof, and shall fix the price per load to be paid, together with all expense of preparing the vault for cleaning, by every party whose vault is cleaned by such contractor.

Annual report.

SECT. 5. The annual report of said Board shall include a review of the sanitary condition of the city, and reports made to the Board covering the same period, from the Physician to the Board, and the Physician at Quarantine.

How Health Commissioners are appointed.

CHAPTER 2. SECTION 1. The Mayor shall appoint annually, subject to the confirmation of the Board of Aldermen, one member of the Board of Health for the term of three years, beginning with the first day of May in the year in which appointed.

CHAPTER 3. SECTION 1. Every officer confirmed by the Board of Aldermen shall subscribe in a book to be kept by the City Clerk for that purpose, a statement of his acceptance of his office, on the conditions expressed in the Ordinances of the city. Shall signify his acceptance.

SECT. 6. The three Health Commissioners shall, while in the service of the city, receive yearly salaries of three thousand dollars each, and at the same rate for any portion of the year, which shall, unless otherwise specially provided by ordinance, be in full for all services which said officers are authorized or required by statute or ordinance to perform, and shall be subject to the deduction of any and all sums due to the city from the officers entitled thereto. Salaries of Health Commissioners.

GENERAL POWERS AND DUTIES.

SECT. 8. Every officer and board in charge of a department receiving a salary from the city shall be entitled to a vacation of a fortnight's duration without loss of pay during the year of employment, and the Mayor may grant additional leave of absence, with or without loss of pay, to all such officers and boards. Officers and subordinates to have vacation.

SECT. 9. Every board shall, unless otherwise provided, organize on the first Monday in May annually, by the choice of one of its members as chairman, and by the choice of a clerk, who shall not, unless otherwise specially provided, be a member, and who shall be sworn to a faithful discharge of his duties. Boards to organize first Monday in May.

SECT. 10. Every officer or board in charge of a department shall employ and fix the compensation of all subordinates in his department, to the extent of the appropriation made for subordinates in his department, and the term of office of every subordinate shall continue until terminated by his superior; but whenever an increase shall be made in the compensation of any subordinate, or in the number of subordinates, a report thereof shall be immediately sent to the Mayor, and no such increase shall take effect until approved by the Mayor, in a writing filed with the City Auditor. When any such officer or board shall remove any subordinate, the order of removal and the cause assigned therefor shall be entered in full on the records of the department in which he served. Every such officer and board Employés of a department. Removal to be recorded.

Assignments to be prevented.

shall to the best of his ability prevent the assignment of wages by persons employed by him for the city.

Office hours.

SECT. 11. Every officer and board in charge of a department shall have his office open for the transaction of public business from nine o'clock in the forenoon until five o'clock in the afternoon on every day, except Saturdays, Sundays, legal holidays, and the anniversary of the battle of Bunker Hill; on Saturdays during the months of July and August the offices shall be closed at twelve o'clock noon, during the other months at two o'clock in the afternoon; the City Registrar's office shall, in addition to the hours above stated, be open for the reception of returns from undertakers, and for the issuing of certificates to persons intending to be joined in marriage, from eleven o'clock in the forenoon until twelve o'clock noon on every day in the year; the office of the Board of Health shall, in addition to the above hours stated, be open for the issuing of permits for burial and for the removal of dead bodies, from ten o'clock in the forenoon until twelve o'clock noon on every day in the year; the City Treasurer and City Collector shall not keep their offices open to receive or disburse money after two o'clock in the afternoon of any day in the year.

Shall not exceed appropriations.

SECT. 12. No officer or board in charge of a department shall, unless specially authorized thereto by statute, make any expenditure or incur any liability on behalf of the city for any purpose or object, until an appropriation sufficient to meet such expenditure or liability, together with all other expenditures and liabilities, which he or it proposes to make, and which are properly chargeable to the same appropriation, has been made therefor; nor shall he or it exceed any specific appropriation made for his department, but may expend the amount of the income from any real estate or from any gift, devise, or bequest held for any purposes connected with his department in accordance with the conditions and directions attached thereto.

Shall keep records of acts and doings and files of papers.

SECT. 13. Every officer and board in charge of a department shall keep records of the acts and doings of the department, in books kept specially for the purpose, including a book in which he shall record all changes and alterations made in all contracts and specifications for work and materials furnished for his department, and files of its papers. The records of every board shall be made upon the day of the meeting, by the clerk thereof, and be read and approved at the next

meeting, and shall give the names of the members present at the meetings, and their votes and proceedings thereat. All such records and files, except medical records and files, shall, under the supervision of the officer in charge of the department, be open to public inspection, and any person may take notes therefrom; but this shall not apply to matters which the Corporation Counsel is of opinion should not be made public.

Which shall be open to the public, except.

SECT. 14. Every officer and board in charge of a department may, with the approval of the Mayor in writing, sell, or otherwise dispose of, any old or unnecessary materials not required by such department, and not exceeding five hundred dollars in value.

May sell property under $500 in value.

SECT. 15. Every officer or board shall, when contracting for or accepting delivery of any fuel, or of any stone, gravel, sand, or ballast from a vessel for the city, require that it be weighed and inspected by a weigher or measurer authorized thereto, and that the bill thereof shall be accompanied by the certificate of the weigher or measurer.

Not to buy fuel, or stone, or ballast unless with a certificate of weigher or measurer.

SECT. 16. Every officer or board in charge of a department requiring any printing, stationery, or binding shall obtain the same of the Superintendent of Printing, by means of a requisition on him therefor, on blanks to be furnished by him.

Shall obtain all printing, etc., from Superintendent of Printing.

SECT. 17. Every officer or board in charge of a department shall settle any claim or suit, arising from any transaction, act, or neglect of the department under his charge, provided that the settlement is recommended by a vote of the committee on claims and approved by the Mayor, and can be effected for the sum of five hundred dollars, or less. The City Solicitor may settle any suit against the city when the settlement is recommended by a vote of the Committee on Claims and approved by the Mayor, provided such settlement can be effected for the sum of four thousand dollars, or less; every amount paid in settlement of a claim or suit, or on execution, shall be charged against the appropriation of the department whose transaction, act, or neglect caused the claim or suit, and be charged and considered as an expenditure made by such department.

Shall settle claims.

SECT. 18. Every officer receiving a salary from the city for whose services as such officer any fees, charges, or commissions are allowed by law, shall pay such fees, charges, and commissions into the city treasury, to become the property of the city, and any officer or board through whom or for whose services,

Shall pay all fees into city treasury and keep account of all dues to city.

supplies, or sales, payments are due to him or it, or to the city, and are to be paid into the city treasury, shall keep suitable books and accounts therein of all such dues and of all moneys received therefor, shall personally verify the same, and shall, unless otherwise specially provided, on or before the fifth day of every month send to the Auditor a statement of the total amount of the moneys collected by him, and of the total amount of all other sums which have become due since the date of the last statement, and shall at the same time deliver to the City Collector all such moneys collected and bills of all such dues, together with alphabetical lists by wards of such moneys and bills, entered in suitable books with proper details, and with the columns of figures added up and carried forward continuously to the end of such list.

Send money collected and bills to Collector before the fifth of every month, and alphabetical list of same.

Shall send bills to Auditor by twentieth of every month.

SECT. 19. Every officer and board in charge of a department shall, on or before the twentieth day of each month, send to the City Auditor all bills and demands against the city, in such form and with such approval as the auditor may require, which have been received and approved by said officer during the preceding month, accompanied by such vouchers, schedules, requisitions, and evidence of the authority under which the expenditure was incurred, and when, in the opinion of such officer, good cause exists therefor, may request the payment at other times of any amounts due.

Special draft.

Weekly pay-rolls.

SECT. 20. Every officer and board in charge of a department shall make up a weekly pay-roll of all employés in his department, to and including Thursday of each week, and shall send the same to the City Auditor, within forty-eight hours after the close of the period covered by such pay-roll, with a requisition for the payment thereof; but the name of any person whose payment weekly is not required by law shall not be placed on such pay-roll if such person desires to have his name placed on the monthly pay-roll; every such officer shall make up a monthly pay-roll for the payment of all officers and subordinates not paid on the weekly pay-rolls, and send the same on the twentieth day of each month to the City Auditor, with a requisition for the payment thereof; if any employé has deceased, the officer of the department shall certify the name of the person who is to receive the amount due the deceased.

Monthly pay-rolls.

Officer to certify name of person to take deceased employé's pay.

Conditions of licenses and permits.

SECT. 21. Every officer or board in charge of a department issuing a license or permit shall insert therein a condition that

the person accepting the same shall conform to the statutes and ordinances and the specifications in the license or permit; that the license or permit may be revoked at any time by the authority issuing it; that the violation of any of its specifications shall work an immediate revocation of the license or permit, and that such person shall indemnify and save harmless the city from any damage it may sustain, or be required to pay, by reason of the doing of the work licensed or permitted, or by reason of any act or neglect of himself or of any of his employés relating to such work, or by reason of any violation of any specification, provided that nothing herein contained shall be construed to prevent the insertion of any other specifications deemed advisable by the authority issuing such license or permit.

Departments to make annual reports, when.

SECT. 22. Every officer and board in charge of a department, except of the auditing, collecting, treasury, and sinking-fund departments, shall, on or before the tenth day of January, transmit to the Mayor a report containing a statement of the acts and doings, and receipts and expenditures of the department for the preceding municipal year, together with such other matter as the statutes and ordinances may require, or said officer may deem to be of public interest, and at the end of the report a schedule of the property of the department; and the Auditor, Collector, Treasurer, and Commissioners of Sinking-funds shall transmit a similar report for the preceding financial year on or before the first day of July.

Shall make estimate in February to Mayor.

SECT. 23. Every officer and board in charge of a department shall, annually, before the first day of February, send to the Mayor an estimate in detail of the appropriations which will be required to enable the department to perform its duties and works during the next financial year, and also an estimate of all income to be received from any source by the department during the said year.

The financial year.

CHAPTER 1. SECTION 7. The financial year of the city shall begin with the first day of May and end with the last day of April.

Construction of certain words, etc., in ordinances.

SECT. 8. The words "street" and "streets," when used in this or any other ordinance, shall be construed as including all public ways, alleys, lanes, courts, and sidewalks, also those parts of all public squares and public places which form trav-

elled parts of highways; the words "public ground" and "public grounds," as including the common and public garden, also those parts of all public squares and public places which do not form travelled parts of highways; the words "owner" and "occupant" of a building or land, as including any sole owner or occupant, and any joint tenant or tenant in common of the whole or of any part of a building or lot of land; words purporting to give a joint authority to three or more officers or other persons, as giving such authority to a majority of such officers or persons; the word "person," as including corporations; the words "officer in charge of a department," as including all officers and boards having charge of departments, unless such construction would be inconsistent with the manifest intent of the ordinance.

PROHIBITIONS AND PENALTIES.

Refuse in harbor.

CHAPTER 49. SECTION 1. No person shall throw into the harbor, or any of the waters surrounding the city, within a line drawn from Point Allerton to Nahant, any entrails or refuse parts of fish, or any decayed fish.

Fish, sale and cleansing of.

SECT. 2. No person shall, at any time, have in his possession with intent to sell, fish of any kind, except flounders, smelts, and other small fish, salmon, and shad, until the same have been cleansed of their entrails and other refuse parts, nor fish of any kind, unless they are kept in covered stalls, or fish-boxes, or in covered carts, which shall be clean and in good order, and well secured from the rays of the sun.

Sale of vegetables.

SECT. 3. No person shall bring into the city, or have in his possession with intent to sell, or sell, any vegetables, excepting green peas or beans in the pods, and green corn in the inner husks, which have not previously been divested of all parts not commonly used for food; and no person shall have such parts in his possession in any market-place, nor in a cart or vehicle used for the sale of vegetables or other articles of food.

Decayed fruit, vegetables, etc.

SECT. 4. No person shall bring into the city, or have in his possession with intent to sell, any decayed or damaged fruit, vegetable or animal substance, except in accordance with a permit from the Board of Health.

Keeping of fowls, swine, etc.

SECT. 5. No person shall keep any live fowl, swine, or goats, except in accordance with a permit from the Board of Health.

Manure, keeping of.

SECT. 6. No owner or occupant of a stable shall permit more than three cords of manure to accumulate or remain uncovered outside of a stable-building, nor permit the stable or grounds connected therewith to be foul or unclean.

Removal of manure.

SECT. 7. No person shall remove manure, or cause or suffer the same to be removed, between the first day of May and the first day of November, except in the night-time, after twelve o'clock, and in accordance with a permit from the Board of Health.

Manner of removing manure.

SECT. 8. No person shall remove any manure, except in a tight vehicle, with a canvas cover so secured to the sides and ends of the vehicle as to prevent the manure from being dropped while being removed.

Keeping of cows.

SECT. 9. No person shall keep, or allow to be kept in any building, or on any premises of which he may be the owner or occupant, within the building limits of the city, any cow, except in clean and wholesome premises, nor more cows than at the rate of one for each three thousand square feet of land, except in accordance with a permit from the Board of Health.

For building limits, see c. 48, § 30, Revised Ordinances, 1890.

Salt, sprinkling of.

SECT. 10. No person shall sprinkle, scatter, or put upon the rails, switches, or other appliances of a street railway in any street, any salt, or mixture of salt, except in accordance with a permit from the Board of Health.

Public urinals.

SECT. 11. No person shall mar, misuse, defile, or deface a public urinal, nor attach thereto any hand-bill, advertisement, or drawing.

Ringing of bells.

SECT. 12. No person shall ring a church-bell or other bell, when, on account of illness in the neighborhood, such ringing is forbidden by the Board of Health.

Keeping refuse matter.

SECT. 13. No person shall place or keep any refuse, or noxious or decaying liquid or solid matter, except house-offal, in any building, or in any waters, or on any land, except in accordance with a permit from the Board of Health.

House-offal, keeping of.

SECT. 14. No person shall keep in his house, or on his land, any house-offal, except the same is placed in a suitable vessel, free from ashes and other refuse matter, and so placed as to be easily removed.

Water-closets, privies, etc.

SECT. 15. No person shall maintain a water-closet, vault, or privy in an unwholesome, unclean, or imperfect place or condition.

In dwelling and tenement houses, etc.

SECT. 16. No person shall occupy, or permit others to occupy, any building owned by him as a dwelling, tenement, or lodging house, unless such building is provided with sufficient and suitable water-closets or privies for the persons ordinarily residing or working therein.

Ashes, keeping and removal of.

SECT. 17. No person shall place or keep, in or near any building, ashes or cinders in such a manner as to be liable to cause fire, nor mix them with other substances, nor place or keep them except in metallic vessels, so placed as to be easily removed.

House-offal, etc., carrying in streets.

SECT. 18. No person, other than employés of the city engaged in public work, shall carry, in any street, house-dirt, house-offal, or other refuse matter, except in accordance with a permit from the Board of Health.

Depth of graves.

SECT. 19. No person shall bury a dead body, or cause one to be buried, in a grave which is less than three feet deep from the surface of the ground surrounding the grave to the top of the coffin.

Burials to be by daylight.

SECT. 20. No person shall bury a dead body, or cause one to be buried, at any other time than between sunrise and sunset, except in accordance with a permit from the Board of Health.

Removal of bodies from tombs, etc.

SECT. 21. No person shall remove a dead body or its remains from a grave or tomb in the city, or disturb in a tomb or grave such body or its remains, except in accordance with a permit from the Board of Health.

Graves, opening of.

SECT. 22. No person shall open a grave or tomb between the first day of June and the first day of October for any other purpose than that of interring the dead, except in accordance with a permit from the Board of Health.

Graves, opening of.

SECT. 23. No person shall open or dig a grave in any burial-ground, except in accordance with a permit from the Board of Health.

Emptying cesspools, etc.

SECT. 24. No person shall empty a cesspool, vault, or privy, except in accordance with a permit from the Board of Health.

Stagnant water in passageway.

SECT. 25. No owner or occupant of land abutting on a private passageway and having the right to use such passage-

way shall suffer any filth, or waste, or stagnant water to remain on that part of the passageway adjoining such land.

DRAINS.

Discharging waste water.

SECT. 26. No person shall discharge any waste water or water from a sink or water-closet, except through a drain into a sewer or cesspool, or in accordance with a permit from the Board of Health.

Care of particular drains.

SECT. 27. No person shall suffer any particular drain from any building or land, of which he is the owner or occupant, to leak or be out of repair; nor shall any person suffer sewage, or waste or stagnant water, to remain in any building, or upon any land of which he is the owner or occupant.

Connecting particular drains with public sewers or drains.

SECT. 28. No person shall enter, or attempt to enter, a particular drain into a public drain or sewer, except in accordance with a permit from the Superintendent of Sewers.

Discharges into public drains.

SECT. 29. No person shall discharge into a public drain or sewer any steam, nor any other matter or thing which may tend to cause an obstruction thereof, or a deposit therein, or any injury thereto.

USE OF STREETS.

Cleaning of animals, vehicles, and mats.

SECT. 35. No person shall wash or otherwise clean any animal or vehicle, or shake or otherwise clean a mat or carpet in any street.

Removal of dirt, etc., on streets.

SECT. 38. No person shall take or remove dirt or manure from any street except under the direction of the Superintendent of Sanitary Police.

Littering the streets.

SECT. 39. No person shall throw, or sweep into, or place or drop and suffer to remain in any street, any hoops, boards, or other wood with nails, or nails of any kind which may be dangerous to horses' feet, any earth, dirt, gravel, sand, sweepings, sawdust, soot, ashes, cinders, shavings, hair, manure, oyster, clam, or lobster shells, rubbish or filth of any kind, or any noxious or refuse liquid or solid matter or substance.

Snow and ice on streets.

SECT. 42. No owner or tenant of an estate abutting on a sidewalk shall place, or suffer to remain for more than three hours between sunrise and sunset, any ice or snow upon such sidewalk, unless the same is made even, and covered with sand or other substance to prevent slipping; nor shall any person

place any ice or snow in a street, outside of the sidewalk, unless the same is made even.

Sawing firewood.

SECT. 43. No person shall saw or cut firewood in any street.

Driving of sheep, swine, etc., in streets.

SECT. 44. No person shall drive sheep, swine, or other neat cattle through or in any street, except in accordance with a permit from the Superintendent of Streets.

Feeding horses, cows, etc., in streets.

SECT. 45. No person shall permit any horse, cow, swine, goat, or other grazing animal to go at large in any street.

Watering of streets.

SECT. 46. No person shall water any street with a watering-cart, except in accordance with a permit from the Superintendent of Streets.

Crying wares, etc., in streets.

SECT. 47. No person shall cry any wares, or ring, or cause to be rung, any bell, or use, or cause to be used, any noise-making instrument, in any street to the disturbance of the peace and comfort of the inhabitants thereof, for the purpose of advertising, or for giving notice of the exercise of a business or calling, or of the sale of any article.

Public grounds, regulations concerning use of.

SECT. 68. No person shall, in or upon any of the public grounds: —

Drop, place, or throw, and suffer to remain, any dirt, gravel, stones, paper, refuse, or offensive matter of any kind;

Suffer any animal in his charge to feed or go at large;

Propel any vehicle for conveying burdens;

Cut, break, or remove the ice in or from any pond thereon;

Climb any tree or fence;

Except under the direction of the Superintendent of Public Grounds.

DOGS AND OTHER ANIMALS.

SECT. 84. No person shall own or keep in the city any dog which by barking, biting, howling, or in any other manner disturbs the quiet of any person.

HAWKERS AND PEDDLERS.

Hawkers and peddlers.

SECT. 86. No person shall hawk or peddle any of the articles enumerated in section one of chapter sixty-eight of the Public Statutes, until he has recorded his name and residence with the Board of Health, and been assigned by said Board a number.

Hawkers not to disturb the peace.

SECT. 87. No person hawking, peddling, or selling, or exposing for sale any articles enumerated in section one of chap-

ter sixty-eight of the Public Statutes, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the city of Boston.

Vehicles and receptacles to have name and number of persons selling thereon, and to be tight.

SECT. 88. No hawker or peddler shall carry or convey any articles enumerated in section one of chapter sixty-eight of the Public Statutes in any manner that will tend to injure or annoy the public health or comfort, nor otherwise than in vehicles or receptacles which are neat and clean and do not leak, and which have printed on them in letters and figures at least two inches in height the name of the person selling, and the number given him by the Board of Health, and which are approved on the first Monday in every month by the Board of Health.

The articles enumerated in section one, chapter sixty-eight, of the Public Statutes are as follows: —

Fruits (native), provisions, live animals, brooms, agricultural implements, hand tools used in making boots and shoes, fuel, newspapers, books, pamphlets, agricultural products of the United States, and the products of the peddler's own labor or of the labor of his family; but nothing in this section shall be so construed as to include among the things that may be so exposed for sale or sold any articles of the growth or production of foreign countries.

PENALTY FOR VIOLATIONS.

Penalty for violation of provisions of the chapter.

SECT. 102. Whoever violates any provision of this chapter shall be punished by a fine not exceeding twenty dollars for each offence.

Employers and other persons liable to penalty for breaches of.

CHAPTER 1. SECTION 5. When anything is prohibited in an ordinance, not only the persons actually doing the prohibited thing, but also their employers and all other persons concerned therein, shall be liable to the penalty prescribed therefor.

Acts prohibited being done without license may be licensed.

SECT. 6. When in an ordinance anything is prohibited from being done except in accordance with a license or permit from a board or officer, such board or officer shall have the power to license or permit such thing to be done.

Infected persons or bodies not to be conveyed in hackney carriages. Rule 55, Board of Police, concerning hackney carriages.

No person having charge of any hackney carriage shall receive or permit to be placed therein, or convey in or upon the same, any person sick or infected with any contagious disease, or the body of any person deceased from such disease.

DEPARTMENT OF SANITARY POLICE.

Superintendent of Sanitary Police; powers and duties.

CHAPTER 19. SECTION 1. The Department of Sanitary Police shall be under the charge of the Superintendent of Sanitary Police, who shall have the care and maintenance of the city teams and the city stables; shall keep the streets in a clean and wholesome condition; shall remove all ashes, house dirt, house offal, and noxious refuse substances from yards and areas, when so placed as to be easily removed, and shall, when requested by the Board of Health, render to said Board in the discharge of its duties all the assistance that can be given by himself or his department.

The Superintendent of Sanitary Police is appointed annually by the Mayor and confirmed by the Aldermen.

Sweeping streets and gathering ashes and offal.

The principal streets of the city are swept daily; others twice a week. During the winter months the teams are employed in moving house-dirt, and the sweepers in cleaning crossings and removing snow from public squares and buildings.

House-offal is removed from dwelling-houses three times a week during the summer, and twice a week during the winter; from hotels, markets, and restaurants it is removed daily. There are fifty-five districts, and each team is assigned a route. The men employed in collecting offal are required to enter the premises, collect the offal, and empty the same in wagons; when filled, to drive to one of the offal-depots owned by the city; it is there sold to farmers of adjoining towns within a radius of twenty miles.

Ashes and house-dirt are removed from hotels, tenement-houses, and stores twice in each week, and from dwellings once a week. There are seventy-one routes, one team being assigned to each route. It is required that house-dirt and ashes shall be kept in some convenient place for collection. The men are required to enter the premises and place such vessels as contain the ashes upon the sidewalk, or in passageways in the rear; the teams follow, and are loaded; the empty vessels are returned by the men to their original position.

DEPARTMENT FOR THE INSPECTION OF BUILDINGS.

CHAPTER 40. SECTION 1. The Department for the Inspection of Buildings shall be under the charge of the Inspector of Buildings, who shall issue permits for the erection and alterations of buildings in the city; shall keep a register of the names of all plumbers who shall apply to him to be registered; shall issue permits for doing plumbing work and for plumbing; and may appoint not exceeding twenty assistant inspectors for duty in his Department. Inspector of Buildings, powers and duties.

REGULATIONS FOR PLUMBING.

CHAPTER 48. SECTION 16. Every person carrying on the business shall, before doing any plumbing work in a building, have his name and place of business registered in the office of the Inspector of Buildings; and shall give immediate notice to said Inspector of any change of his place of business. Shall be registered.

SECT. 17. Every person proposing to do any plumbing work in a building shall, except in the case of repairs which do not involve any change in the location of a water fixture or trap, or of a waste, drain, or ventilating pipe, file in the office of said Inspector, upon blanks to be provided for the purpose, a description of all work to be performed, and shall obtain from said Inspector a permit to do such work. Shall obtain a permit before doing work.

SECT. 18. Every building provided with water from the city or other water supply shall have a drain-pipe for the conveyance of waste water and sewage into the public sewer, or, if there is no sewer, into a sufficient and proper cesspool easily accessible for inspection and cleaning, and such drain-pipe shall not be used for the drain-pipe of any other building. Drain-pipe for every building.

SECT. 19. Every such drain-pipe hereafter placed shall, within the building, and for at least five feet outside the foundation walls thereof, be of what is known in the market as "extra heavy double-thick cast-iron soil-pipe," or standard wrought-iron pipe, not less than four inches in diameter, sound, free from holes and other defects; shall be laid in a trench, securely ironed to walls, or suspended by strong iron hangers; shall have a continuous fall towards the sewer, and shall, either outside or inside and near the foundation wall of Drain-pipe, of what material to be made. Shall have trap.

the building, be supplied with a suitable trap having an accessible cleanout.

Drain pipe to extend above roof, when.

SECT. 20. The drain-pipe of every building hereafter erected, and of every building already erected in which an additional water-closet is hereafter placed, and of every building already erected in which a water-closet is moved from a place within the building to a room not having a window or other opening immediately to the air on the outside of the building, and within twelve feet of such window or opening, shall be of the same diameter throughout its entire length, and be carried above the roof of the building at least two feet.

Trap to be furnished.

SECT. 21. A separate and suitable trap shall be attached directly, or by means of a waste-pipe, to every water-fixture or rain-water leader, hereafter connected with a drain-pipe, provided that but one trap shall be required for each set of waste-trays; such trap shall be placed as near as practicable to such fixture or leader.

Certain waste-pipes shall enter open tray.

SECT. 22. Waste-pipes from safes under water-closets, urinals, or other fixtures, or from tanks or cisterns, or from refrigerators or other receptacles in which provisions are stored, hereafter connected with the drain-pipe, shall be run to some place in open sight into an open tray connected by a suitable trap with the drain-pipe.

Grease traps.

SECT. 23. Every kitchen sink of an eating-house, hotel, restaurant, or other public cooking establishment hereafter connected with the drain-pipe, shall be so connected by means of a grease trap placed as near as practicable to the sink, and easily accessible for cleaning.

Ventilating-pipes, how made.

SECT. 24. A ventilating-pipe, of a size not less than the waste-pipe to which the trap is attached, continuously inclining upward from the top of the trap, and running as directly as practicable at least three feet above the roof of the building, shall be tightly attached to every trap hereafter placed; shall be of what is known in the market as extra heavy double-thick cast-iron or standard wrought-iron or brass or lead, and, if attached to the trap of a water-closet, shall be of not less than two inches in diameter when the ventilating-pipe is less than thirty feet in length, and of not less than three inches in diameter when the ventilating-pipe is more than thirty feet in length; no chimney-flue shall be used as such ventilating-pipe. Two or more ventilating-pipes may be connected

together, or may be connected with the drain-pipe above every waste-pipe entering the drain-pipe.

Tanks to be provided.

SECT. 25. A tank or cistern shall be so connected by a pipe not less than one inch in diameter, with every water-closet or line of water-closets hereafter placed in a building, that water from such tank or cistern will thoroughly flush the water-closets.

Water-pipes to be cased.

SECT. 26. Water-pipes hereafter placed in places exposed to frost shall be securely cased and packed with mineral wool or other equally good substance.

Iron pipes and connections, how made.

SECT. 27. All iron pipes before being put in place shall have been tested by the water or kerosene test, then coated inside and outside with coal-tar pitch, applied hot, or with paint, or with some other equivalent substance; connections with brass or other iron pipes shall be run with molten lead thoroughly calked, or in case of connections of wrought-iron pipes, be made tight by screw joints; connections with lead pipes shall be made with brass ferrules, thoroughly soldered to the lead, and the connection of the ferrules with the iron pipe run with molten lead thoroughly calked; changes in directions shall be made with curved or Y branches.

Plumbing work not to be covered until inspected.

SECT. 28. All water-closets, pipes, traps, cisterns, and other plumbing work shall remain as at present until altered to conform to this chapter, in accordance with plans approved by said Inspector.

To be inspected and tested.

SECT. 29. Any person hereafter doing any plumbing work in a building shall, before the work is concealed from view, and within twenty-four hours after its completion, notify the said Inspector thereof, and afford him opportunity to inspect the work, and no such work shall, unless it has been inspected by said Inspector, be covered or concealed from view until after forty-eight hours from the leaving of a notice at the office of said Inspector that such work has been completed, nor shall such work be used until it has been shown to be in good condition by the water test, made by the plumber in the presence of said Inspector.

DEPARTMENT FOR THE INSPECTION OF PROVISIONS.

Powers of Inspector of Provisions.

CHAPTER 43. SECTION 1. The Department for the Inspection of Provisions shall be under the charge of the Inspector of Animals and Provisions, who shall have and exercise all the powers and be subject to all the duties imposed upon inspectors of provisions and of animals intended for slaughter, by chapter fifty-eight of the Public Statutes, adopted by the city June 2, 1876, and by any other acts relating to such powers and duties.

Annual report.

SECT. 2. Said Inspector shall in his annual report include a statement of the number of seizures made by him, the places and persons from whom the seizures were made, and the character of the seizures, and also a statement of the number and kinds of animals and provisions inspected by him, and the number and result of all prosecutions.

DEPARTMENT FOR THE INSPECTION OF MILK AND VINEGAR.

CHAPTER 44. SECTION 1. The Department for the Inspection of milk and vinegar shall be under the charge of the Inspector of Milk and Vinegar, who shall have and exercise all the powers and authority, and be subject to all the duties and limitations which the statute imposes upon, or requires of, inspectors of milk or inspectors of vinegar. Inspector of Milk and Vinegar, powers and duties of.

SECT. 2. Said Inspector shall in his annual report include a statement of the number of seizures made by him, the places and persons from whom the seizures were made, the character of the seizures, the number of samples taken for the purpose of obtaining analyses, and the result of such analyses made, and the number and result of all prosecutions. Annual report.

RULES AND REGULATIONS

RELATING TO

THE HEALTH DEPARTMENT.

(Adopted by the Board of Health.)

Boards of health may make regulations.

By the provisions of chapter eighty, section eighteen, of the Public Statutes it is provided that the board of health of a city or town shall make such regulations as it judges necessary for the public health and safety, respecting nuisances, sources of filth and causes of sickness, within its city or town, or on board of vessels within the harbor of such city or town, and respecting articles which are capable of containing or conveying infection or contagion, or of creating sickness, brought into or conveyed from its town, or into or from any vessel. Whoever violates any such regulation shall forfeit a sum not exceeding one hundred dollars.

QUARANTINE.

Quarantine Grounds.

The Quarantine Grounds of the port of Boston consist of Gallop's Island and of that portion of the President Roads between Long, Deer, and Spectacle islands; the hospitals being located at Gallop's Island. The boarding of incoming vessels is performed by the Port Physician and the Assistant Port Physician, who are appointed by the Board of Health. The steamer "Vigilant" is attached to the Quarantine Department.

The following regulations are in force at Quarantine throughout the year: —

Ordered, Any vessel arriving at this port, which has on board at the time of her arrival, or has had during her passage to this port, any sickness of a contagious, infectious, or doubtful character which may be dangerous to the public health, or which has come from or has been in any

port or place which has been epidemically infected with any contagious or infectious disease within the six months previous to such arrival, shall be anchored at Quarantine.

Perpetual Quarantine regulations.

Infected persons found on such vessels shall be removed to the hospital on Gallop's Island, and there detained until all power to infect others shall have ceased. Cargoes and personal baggage, which in the opinion of the Port Physician or the Board of Health may be infected, shall be removed to the storehouse on Gallop's Island and there disinfected, when such disinfection cannot be properly done on board the vessel. No such vessel shall proceed, nor shall her cargo, or any part thereof, be discharged, nor any person be allowed to go on board or to leave her while in Quarantine, without the written permit of the Port Physician, who is hereby authorized and instructed to take such measures with regard to said vessel as, in his judgment, the health of the city may require.

All immigrants, on arrival at Quarantine, shall be subjected to examination, as regards their protection from small-pox.

All persons under ten years of age who have not been successfully vaccinated, and all persons over ten years of age who have not recently been successfully vaccinated or re-vaccinated, shall be considered as unprotected from the effect of the contagion of small-pox, persons having had an attack of small-pox excepted.

All persons not so protected shall be vaccinated or subjected to a quarantine of observation, and for each vaccination the Port Physician shall impose and collect the sum of twenty-five cents, to be by him paid to the City Treasurer.

The following regulation is in force during June, July, August, September, and October in each year, subject to such changes as circumstances may from time to time require: —

Summer Quarantine regulations.

Ordered, From the 1st day of June until November 1st, all vessels arriving in this harbor from the following ports shall stop at the Quarantine Station, viz.: all vessels from any port in Europe, from the Western, Madeira, Canary, or Cape de Verde Islands; from the Mediterranean or Straits thereof, from the west coast of Africa, or around the Cape of Good Hope; from the West India, Bahama, or Bermuda Islands; from any American port south of Virginia, including Central and South America; and vessels arriving from any place in the United States or British America, where they may have touched on their way from any foreign port or place above named.

No such vessel shall leave Quarantine or unload her cargo or any part thereof, without the written permit of the Port Physician, who is hereby authorized and instructed to take any measures in regard to such vessels, and to make such rules and regulations for their government while in Quarantine as in his judgment the security of the health of the city may require.

For the permit so granted, the Port Physician shall demand and re-

ceive from each vessel, her master or owners, the fee established by the Board of Health.

The following are the Quarantine fees established by the Board of Health: — Quarantine fees.

For examination of all vessels of fifteen hundred tons and upwards (registration tonnage), eight dollars.

For examination of all vessels under fifteen hundred tons (registration tonnage), five dollars.

For disinfecting vessels, from ten to fifteen dollars.

For vaccination, each person, twenty-five cents.

REGULATIONS GOVERNING THE BRIGHTON ABATTOIR.

P. S. 1876, c. 144, s. 5.

1. Only animals in health shall be slaughtered for food.

Dead or diseased animals, when received in ordinary consignments of live-stock to persons slaughtering on the premises, may be prepared for rendering in the basements, and thence immediately transferred to the rendering tanks, and rendered.

2. No unnecessary pain shall be inflicted on any animal.

An ample supply of food and water must be served to animals at seasonable times.

3. All parts of animals slaughtered on the premises shall at once be put in the places provided for their reception; the offal, tallow, heads, feet, blood, hides, and tripe shall all be dropped through those openings in the floor which are specially designed to receive them. While the killing is in progress, the blood-hole in the trough shall be kept open, and the water-hole closed; and when the slaughtering is finished for the day, the water-hole shall be opened and all other holes closed; and the floor and walls of the slaughter-house shall be thoroughly scraped, washed, and cleaned.

The close-pens, cooling-rooms, loading-sheds, stables, and all other parts of the premises, shall be kept clean and in orderly condition.

4. No parts of animals slaughtered elsewhere shall be brought to the premises, except by special permission in writing of the Board of Health.

Permission to bring blood or offal (except fresh heads and feet) will not be given in any case.

5. The Corporation shall provide, in the basement, a sufficient number of properly constructed wagons to receive the offal, tallow, heads, feet, blood, tripe, and hides. One of said wagons shall be constantly kept under each opening in the floor while killing is going on, and until the slaughter-house floors are cleaned, after the killing.

All parts of the slaughtered animals which are to be rendered, dried, or salted on the premises, shall be so treated without delay.

All hides and skins, tallow or tripe, belonging to any tenant of the Corporation who desires to have them removed from the

premises before being rendered, salted, or cured, shall be so removed at once. In no case will such material be suffered to remain more than twelve hours before removal.

6. The Corporation shall render all tallow produced on the premises by any person hiring or occupying any part thereof, whenever such person shall request it, and shall also render all tallow that is not removed from the premises as provided in the last section of the preceding regulation. And after such rendering the Corporation shall return to each person his proportionate share of such rendered tallow, unless some other disposition of the same shall be mutually agreed upon. And all hides and skins not removed as provided for in the last section of the preceding regulation shall be salted by the Corporation and returned to the owners. And the Corporation shall receive for the rendering and salting provided in this regulation such compensation as shall from time to time be fixed by the directors, subject to the approval of the said Board of Health. But this regulation shall not prevent the Corporation from buying from any tenant his crude tallow, or his hides, skins, and tripe, at such price as may be agreed upon.

7. The Corporation shall at all times keep the basements of the slaughter-houses thoroughly washed and cleaned; and shall provide that no blood, offal, or manure shall at any time enter the sewers.

The rendering-house shall be kept at all times clean and in good order, and none of the gases from the rendering-tanks, driers, or condensers shall be permitted to escape into the open air or into the sewers.

Manure from cattle-pens, close-pens, and stables, and from the stomachs and intestines of animals slaughtered, shall be removed from the premises as often as may be necessary to insure cleanliness; and all the grounds of the Corporation must be kept in an orderly condition.

8. The Corporation shall render the heads and feet of all animals slaughtered on the premises, and shall pay for each set of heads and feet such price as the directors may fix, from time to time, subject to the approval of the said Board of Health, unless the parties shall agree upon the price.

9. All blood, intestines, and other offal, which are the prop-

erty of the Corporation, shall be rendered while fresh, and all scrap and blood shall be dried immediately.

10. The Corporation shall furnish the necessary hot and cold water for cleaning the meat and the slaughter-houses, and also water for the stables and stock-yards.

In the use of the machinery and water the tenant shall exercise all reasonable care to avoid breaking the machinery, wasting the water, and injuring the buildings.

11. All blood that may be collected for food or medicinal purposes shall be caught in the slaughtering-house, and not be allowed to run through the blood-troughs or over the floor.

12. All leases shall be executed in the name of the Corporation, and shall contain a condition that the lessees will conform to such regulations as shall be made by the Board of Health of the city of Boston, or by the Corporation, with the approval of said Board of Health.

CONCERNING CONTAGIOUS DISEASES.

List of diseases dangerous to the public health.

The diseases which are regarded by the Board of Health as dangerous to the public health within the meaning of section 79, chapter 80, and which attending physicians and householders must report to the Board of Health, are small-pox, diphtheria, membranous croup (so called), measles, scarlet fever, typhus fever, typhoid fever, yellow fever, and cholera.

Placards to be displayed.

In all houses where either diphtheria, membranous croup (so called), or scarlet fever is found to exist, a placard shall be displayed in a conspicuous place informing the public of the presence of such disease.

Removal to hospital.

When small-pox occurs in a house, the patient is at once removed to the small-pox hospital on Canterbury street, except in cases when, in the opinion of the Board of Health and the attending physician, the patient may be safely allowed to remain at home. In cases of diphtheria and scarlet fever and membranous croup in tenement-houses, patients are likewise urged or required to be removed to hospital.

Disinfection of premises infected.

Immediately upon the recovery or removal of a contagious disease in a house, the room or rooms occupied by the patient must be disinfected to the satisfaction of the Board of Health. This work is performed by officers of the disinfecting corps, under the charge of the Board of Health and at the public expense.

VACCINATION.

Free vaccination.

A physician of the Board of Health vaccinates and re-vaccinates all applicants with fresh animal virus daily throughout the year, at his office in the Charity Bureau building, Chardon street.

C. 15, § 232. Rules and regulations of Boston public schools, concerning contagious diseases.

The rules and regulations of the Boston public schools provide that no pupil shall be admitted to any of the public schools without a certificate of a physician that such pupil has been vaccinated, or is otherwise protected against small-pox; but this certificate is not required of pupils who are transferred from one public school to another.

Whooping-cough.

No child ill with the whooping-cough is allowed to attend school; nor is any child allowed to attend any school in this city while any member of the household to which such child belongs is ill with small-pox, diphthe-

ria, scarlet fever, or measles, or during a period of two weeks after the death, recovery, or removal of such person, such length of time being certified to in writing to the teacher by a physician or by the Board of Health. Whenever, by reason of the structure of tenement or other dwelling houses, families live in close contact with one another, so as to be practically as one family, the teachers and officers of the School Board regard such houses in which the families do not live apart, or are not removed from contagion, as one household, within the meaning of chapter 64 of the Acts of 1884, and the acts in addition thereto. When children are absent from school on account of sickness, and whenever the principal has reason to suspect the existence of contagious diseases in any household, the principal is authorized to exclude pupils from school until the cases can be properly investigated. The teachers are required to exercise caution in sending pupils to the houses of absent pupils to ascertain the reason for such absence, especially forbidding them to enter the houses to which they are sent. Pupils are not permitted to be sent where contagious diseases are believed to exist in the household of the absent pupils. The principal of any school, upon the receipt of information satisfactory to him that any pupil attending a school under his charge has visited a household where, at the time of such visit, small-pox, diphtheria, scarlet fever, or measles existed, is authorized to suspend such pupil from school for a period of two weeks next following such visit.

Contagious diseases in schools.

CONCERNING UNDERTAKERS.

Fees of undertakers.

The following fees for the services of undertakers are established by the Board of Health in accordance with chapter 210 of the Acts of 1890, and the fees which undertakers are entitled to receive for making returns to the City Registrar shall be considered to be included in said fees: —

For the use of a hearse, two horses, and driver, within a radius of five miles from City Hall, including the personal services of driver and undertaker, eight dollars.

For services in attendance at a funeral at a private house, including the placing of the body in the coffin, five dollars.

For services, as above, at church (extra), two dollars.

For services of each extra porter, two dollars.

Infected funeral draperies to be destroyed or disinfected.

Draperies (so called) and all articles which have been used about the body of any person who has died of small-pox, diphtheria (including membranous croup, so called), scarlet fever, typhus fever, typhoid fever, yellow fever, or cholera, or which have been used in the room where such person has died, shall, before being removed from the house, be destroyed by fire, or disinfected to the satisfaction of the Board of Health.

Disinfection of bodies of persons dying with contagious diseases.

The bodies of all persons dying from small-pox, diphtheria (including membranous croup, so called), scarlet fever, typhus fever, yellow fever, or cholera, shall be immediately disinfected and wrapped in a sheet saturated with a solution of bichloride of mercury, 1 to 500, and placed in a coffin, which shall be made absolutely tight and which shall not be reopened.

It will be necessary, in order to obtain a permit to remove a body out of town, for undertakers first to comply with the above regulations and then certify the same to the Board of Health. The Board will thereupon issue the required certificate.

BURIAL GROUNDS.

The following burial-grounds in the city are in charge of the Board of Health: —

Bennington Street	East Boston
Bunker Hill	Charlestown
Central	City
Copp's Hill	City
Dorchester (North)	Dorchester
Dorchester (South)	Dorchester
Eustis Street	Roxbury
Evergreen	Brighton
Granary	City
Hawes	South Boston
Kearsarge	Roxbury
King's Chapel	City
Market Street	Brighton
Phipps Street	Charlestown
South	City
Westerly	West Roxbury
Walter Street	West Roxbury

CITY MORGUE.

City Morgue.

The City Morgue is located in North Grove street, and is in charge of the Board of Health. All unclaimed bodies of persons found in the North Suffolk Medical Examiner's district are conveyed to this Morgue. Unclaimed bodies of persons found in the South Suffolk Medical Examiner's district are conveyed to the City Hospital Morgue.

CITY HEARSE.

City hearse.

The city hearse which is used to convey the pauper dead is in charge of the Board of Health.

PUBLIC BATH-HOUSES.

Public bathing places in charge of Board of Health.

The public bath-houses maintained by the city and under the charge of the Board of Health are sixteen in number; nine of which are for the use of men, six for women, and one for both sexes at different hours of the day. By an ordinance passed Dec. 27, 1879, the Board of Health was appointed and invested with authority to carry into effect the provisions of chapter 214 of the Statutes of 1874, entitled, "An act to authorize cities and towns to erect and maintain public baths and wash-houses," which act was accepted by the city on January 2, 1875. The bathing season at these houses opens June 1 and closes September 30 each year. The houses are located as follows: —

BATH-HOUSES FOR MEN.

West Boston Bridge, foot of Cambridge street.
Craigie's Bridge, foot of Leverett street.
Charles-river Bridge, near Causeway street.
East Boston, Sectional Dock, Border street.
Mt. Washington-avenue Bridge, near Federal street.
South Boston, foot of L street, Dorchester Bay.
Dover Street, at South Pier.
East Boston, Maverick street.
Chelsea Bridge, Charlestown.
Malden Bridge.

BATH-HOUSES FOR WOMEN.

Charles-river Bridge, near Causeway street.
East Boston, Sectional Dock, Border street.
South Boston, foot of M street.
Dover Street, at South Pier.
Commercial Point, Dorchester.
Chelsea Bridge, Charlestown.
Malden Bridge.

The following rules are in force at the bath-houses during the bathing season: —

The baths are open daily, except during unfavorable tides, from June 1 to October 1, as follows: —

Men.		*Women.*	
Week days, .	5 A.M. to 9 P.M.	Week days, . .	6 A.M. to 8 P.M.
Sundays, . .	5 A.M. to 12 M.	Sundays . . .	6 A.M. to 9½ A.M.

Superintendents in charge will see that adults remain in the water not longer than thirty minutes, and children under twelve years of age, not longer than fifteen minutes.

Bathers will be expected to provide their own towels and soap. Female bathers will be required to furnish suitable bathing-dresses. Those desiring towels can obtain them of the superintendent in charge, for a moderate fee.

Boys and girls under fifteen years of age will not be admitted to the bath-houses after 7 o'clock, P.M., and the decision of the superintendent in charge against admission will be final.

Each superintendent in charge will have full charge of his premises, and authority to withhold the facilities from all not conforming to these rules; and he will be required to render every reasonable assistance to applicants for baths.

No smoking, profanity, or noisy conversation will be allowed on the premises; and any person guilty of defacing the dressing-room, fences, or tanks, by writing, marking, or cutting, or other misconduct, will be excluded from the baths, or arrested, according to the nature of the offence.

All questions of priority in bathing, or of use of dressing-rooms, must be referred to the superintendent in charge, whose decision will be final.

A police officer will be in constant attendance, for the purpose of preserving order and enforcing these regulations, in concurrence with the superintendent in charge.

CONCERNING STABLES.

Permits to occupy stables.

By the provision of chapter 89 of the Acts of 1889, no person may hereafter occupy or use any building in the city of Boston for a stable unless first authorized thereto by the Board of Health. The conditions upon which such permits are issued are: —

1. The stable must be erected and complete in all its appointments.

2. The manure must be stored in tight receptacles, and removed at frequent intervals.

3. The ventilating, lighting, and draining of the stable must be satisfactory to the Board of Health.

4. The erection of the stable must be begun within ninety days from the date of application for a permit, and prosecuted to completion.

5. The position of the stable must be in accordance with a plan on file in this office.

Opinions of the City Law Department affecting stables.

When a person has erected a stable, which he had a lawful right to erect and use, he does not lose that right by a suspension of such use for a time. He may resume the use when his convenience requires it.

The removal of a stable from one part of a lot to another is equivalent to the erection of a new stable, and it cannot be lawfully made without a license.

When a license has been granted to a party to build a stable, the license cannot be revoked; the party licensed has acquired a vested right, of which he cannot be deprived.

Remonstrants after the granting of the license cannot be heard, and the Supreme Court would not enjoin a party from building in pursuance of his license. When they file a petition or remonstrance after the license has been granted, leave to withdraw is the appropriate action.

The party can use for the purposes of a stable, only the premises for which he has a permit so to use. The occupancy of another building for the keeping of horses during the day cannot be justified.

In granting a license for the keeping of horses in stables, the use of such stables may be limited to a horse or horses kept for the private use of the owner or occupant of the premises. The Board may restrict the use of a stable, not only as to the number of horses, but as to the purposes for which the horses may be kept.

OFFENSIVE TRADES AND OCCUPATIONS.

Certain trades not to be carried on except at places assigned.

By virtue of the authority given in chapter 80 of the Public Statutes, the Board of Health hereby forbids the exercise of the trades or employments of slaughtering animals, rendering animal-matter (except fresh tallow), manufacturing fertilizers, mixing or storing refuse animal or vegetable substances, smoking fish or meat, refining oils, making varnish, glue, gas, gasoline, or any burning fluid, within the limits of the city of Boston, except at such place or places as may be assigned by said Board; such trades or employments being nuisances, hurtful to the inhabitants of said city, dangerous to the public health, attended by noisome and injurious odors, and otherwise injurious to the estates of said inhabitants.

GREEN HIDES AND HORNS.

Storing green hides and horns.

No green or green-salted hides or skins, or horns, shall be cured, stored, or suffered to remain within the limits of the city, except upon floors which shall be made tight and impervious to liquids, with a proper pitch, so that all liquids and filth shall readily escape from the floor into a suitable drain, the floors to be kept at all times in a neat and cleanly condition, and so disinfected that no offensive odors shall arise therefrom. No such hides or skins shall at any time be suffered to remain in or upon any street, place, or sidewalk. All horns shall be immediately removed and placed in brine, or under a cover of salt. If the hides, skins, or horns are stored in the basement of any building, there shall be such ventilation as shall secure the remainder of the building and the public from offensive odors.

GREASE COLLECTING.

Grease collectors to be licensed.

No person shall collect or carry through the streets of the city any bones, grease, or other refuse matter (house-offal excepted), except in vehicles or receptacles which are neat and clean, and do not leak, and which have printed on them in letters and figures at least two inches in height the name of the person selling, and a number given him by the Board of Health, and which are approved on the first Monday in every month by the Board of Health.

OLD RAGS AND REFUSE MATERIAL.

Old rags, etc., not to be stored in dwellings.

No old rags, old paper, or other like refuse material, gathered or recovered from any source, shall be brought into or allowed to remain within any building used as a dwelling.

STATUTES RELATING TO THE PUBLIC HEALTH.

Board of Health. P. S., c. 80. 12 Pick., 184. 98 Mass., 431. 116 Mass., 254, § 40.

CITY CHARTER, SECTION 73. All the power and authority on the twenty-ninth day of April, 1854, by law vested in the City Council, or in the Board of Mayor and Aldermen, relative to the public health and the quarantine of vessels, and all the power and authority since that date vested in the City Council, shall continue to be vested in the City Council, to be carried into execution by the appointment of one or more Health Commissioners; or in such other manner as the health, cleanliness, comfort, and order of the city may, in their judgment, require, subject to such alterations as the Legislature may from time to time adopt. The powers and duties above named may be exercised and carried into effect by the City Council in any manner which they may prescribe, or through the agency of any persons to whom they may delegate the same, notwithstanding a personal exercise of the same, collectively or individually, is prescribed by previous legislation, and the City Council may constitute either branch, or any committee of their number, whether joint or separate, the Board of Health, for all or for particular purposes.

NUISANCES, SOURCES OF FILTH, CAUSES OF SICKNESS, ETC.

Board of health to make regulations respecting nuisances, etc. P. S., c. 80, § 18. 9 Mass., 221. 6 Pick., 187. 134 Mass., 490.

CHAPTER 80. SECTION 18. The board of health of a town shall make such regulations as it judges necessary for the public health and safety, respecting nuisances, sources of filth and causes of sickness, within its town, or on board of vessels within the harbor of such town, and respecting articles which are capable of containing or conveying infection or contagion, or of creating sickness, brought into or conveyed from its town, or into or from any vessel. Whoever violates any such regulation shall forfeit a sum not exceeding one hundred dollars.

To give notice of regulations. P. S., c. 80, § 19.

SECT. 19. The board shall give notice of all regulations made by it by publishing the same in some newspaper of its town, or, where there is no such newspaper, by posting them up in some public place in the town. Such notice shall be deemed legal notice to all persons.

98 Mass., 443.

Although such general regulations may seriously interfere with the enjoyment of private property, and disturb the exercise of valuable private rights, no previous notice to parties so to be affected by them is necessary to their validity. They belong to that class of police regulations to which all individual rights of property are held subject, whether established directly by enactments of the legislative power, or by its authority through boards of local administration.

Board of health to examine into and abate nuisances, etc. P. S., c. 80, § 20.

SECT. 20. The board shall examine into all nuisances, sources of filth, and causes of sickness, within its town, or in any vessel within the harbor of such town, that may in its opinion be injurious to the health of the inhabitants, and shall destroy, remove, or prevent the same as the case may require.

To order certain nuisances, etc., abated by owner. P. S., c. 80, § 21.

SECT. 21. The board or the health officer shall order the owner or occupant at his own expense to remove any nuisance, source of filth, or cause of sickness, found on private property, within twenty-four hours, or such other time as it deems reasonable, after notice served as provided in the following section; and if the owner or occupant neglects so to do, he shall forfeit a sum not exceeding twenty dollars for every day during which he knowingly permits such nuisance or cause of sickness to remain after the time prescribed for the removal thereof.

11 Met., 572.

In order to amount to a nuisance, it is not necessary that there should be a corruption of the atmosphere such as to be dangerous to health: it is sufficient that the effluvia are offensive to the senses and render habitations uncomfortable.

98 Mass., 443.

"The action of the board of health is intended to be prompt and summary. They are clothed with extraordinary powers for the protection of the community from noxious influences affecting life and health, and it is important that their proceedings should be embarrassed and delayed as little as possible by the necessary observance of formalities. Although notice and opportunity to be heard upon matters affecting private interests ought always to be given when practicable, yet the nature and object of those proceedings are such that it is deemed to be most for the general good that such notice should not be essential to the right of the board to act for the public safety. Delay for the purpose of giving notice,

involving the necessity either of public notice or of inquiry to ascertain who are the parties whose interests will be affected, and further delay for such hearings as the parties may think necessary for the protection of their interests, might defeat all beneficial results from an attempt to exercise the powers conferred upon boards of health. The necessity of the case and the importance of the public interests at stake justify the omission of notice to the individual. Their adjudication that a nuisance exists is conclusive, and no appeal lies therefrom."

A notice issued by the board of health of a town to the occupant of certain premises, ordering him to remove the nuisance existing thereon, may be served by a constable, although he is a member of the board of health, and signs the notice. C. 80, § 21.

A notice by the board of health of a town to the occupant of certain premises, reciting that a nuisance, "consisting of a filthy hog-pen and stable," exists thereon, and ordering him "to abate the said nuisance on your estate, and also to remove your hogs outside the limits of the village, within forty-eight hours after the service hereof," is valid as an order to abate the nuisance, and is not rendered void by the direction to remove the hogs. 143 Mass., p. 113.

Order for abatement, how served. P. S., c. 80, § 22.

SECT. 22. Such order shall be made in writing, and served by any person competent to serve a notice in a civil suit, personally on the owner, occupant, or his authorized agent; or a copy of the order may be left at the last and usual place of abode of the owner, occupant, or agent, if he is known and within the state. But if the premises are unoccupied and the residence of the owner or agent is unknown or without the state, the notice may be served by posting the same on the premises and advertising in one or more public newspapers in such manner and for such length of time as the board or health officer may direct.

The purpose of this provision is to enable the owner or occupant to remedy the evil in the mode least detrimental or offensive to himself, and thus secure himself and his premises from the intrusion of the agents of the board of health. The order should direct the end to be accomplished, leaving the party to adopt any effectual mode which he may choose. 98 Mass., 444.

Owner not complying, board to remove nuisance at his expense. P. S., c. 80, § 23.

SECT. 23. If the owner or occupant fails to comply with such order, the board may cause the nuisance, source of filth, or cause of sickness to be removed, and all expenses incurred thereby shall be paid by the owner, occupant, or other person who caused or permitted the same, if he has had actual notice from the board of health of the existence thereof.

98 Mass., 444. If the owner or occupant neglects to remove the nuisance, the board is then at liberty to enter upon the private property where it exists, and take such measures as it may see fit for its removal.

The importance of the duty imposed upon boards of health, the necessity of prompt and decisive measures to protect the public health, require a wide discretion in the use of means by which to "destroy, remove, or prevent" such cause of sickness. If it be necessary to the proper performance of their duty, they may, in the exercise of their discretion, resort to means and measures which affect injuriously other lands than those upon which the manifestation of the cause of sickness is found. All expenses incurred may be recovered of any person who caused or permitted the nuisance, and the record of proceedings of the board is *prima facie* evidence of the existence of a nuisance which warranted the board in taking action and incurring expense for its removal.

Board may notify occupants of unfit dwelling-place to quit, etc. P. S., c. 80, § 24.

SECT. 24. The board, when satisfied upon due examination that a cellar, room, tenement, or building, in its town, occupied as a dwelling-place, has become, by reason of the number of occupants, want of cleanliness, or other cause, unfit for such purpose, and a cause of nuisance or sickness to the occupants or the public, may issue a notice in writing to such occupants, or any of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleansed at the expense of the owners, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place without the consent in writing of the board. If the owner thereafter occupies or knowingly permits the same to be occupied without such permission in writing, he shall forfeit not less than ten nor more than fifty dollars.

When a party is convicted of a nuisance, board may order it destroyed. P. S., c. 80, § 25.

SECT. 25. When a person is convicted on an indictment for a common nuisance injurious to the public health, the court in its discretion may order it to be removed or destroyed at the expense of the defendant, under the direction of the board of health; and the form of the warrant to the sheriff or other officer may be varied accordingly.

Injunction may issue in cases of nuisance. P. S., c. 80, § 26.

SECT. 26. The superior court, or a justice thereof, in term time or vacation, may, either before or pending a prosecution for a common nuisance affecting the public health, issue an

injunction to stay or prevent the same until the matter is decided by a jury or otherwise; may enforce such injunction according to the course of proceedings in chancery; and may dissolve the same when the court or one of the justices shall think proper.

Board may make compulsory examination of premises, when. P. S., c. 80, § 27.

SECT. 27. When the board thinks it necessary for the preservation of the lives or health of the inhabitants to enter any land, building, or premises, or vessel within its town, for the purpose of examining into and destroying, removing, or preventing a nuisance, source of filth, or cause of sickness, and the board or any agent thereof sent for that purpose is refused such entry, any member of the board or such agent may make complaint under oath to any justice of any court of record or to two justices of the peace of the county, stating the facts of the case so far as he has knowledge thereof; and said justice or justices may thereupon issue a warrant, directed to the sheriff or any of his deputies, to such agent of the board, or to any constable of such town, commanding him to take sufficient aid, and at any reasonable time repair to the place where such nuisance, source of filth, or cause of sickness complained of may be, and to destroy, remove, or prevent the same, under the directions of the board.

Expenses recoverable of individuals, how sued for. P. S., c. 80, § 80.

Expenses incurred by a town in the removal of nuisances or for the preservation of the public health, which are recoverable of a private person or corporation, may be sued for and recovered in an action of contract.

WET, ROTTEN, AND SPONGY LANDS.

Lands injurious to health, etc., deemed a nuisance. P. S., c. 80, § 26. [1887, 338, § 1.]

SECT. 28. Lands in a city or town which are wet, rotten, or spongy, or covered with stagnant water, so as to be offensive to persons residing in the vicinity thereof, or injurious to health, shall be deemed to be a nuisance, and the board of health or health officer of such city or town may, upon petition and hearing, abate such nuisance in the manner provided in the following sections; but no such nuisance shall be abated by a board of health or health officer of a city or town without a previous appropriation therefor by such city or town if the expense of such abatement will exceed the sum of two thousand dollars.

Persons injuriously affected, etc., may apply to board for abatement. P. S., c. 80, § 29.

SECT. 29. Any person claiming to be injuriously affected by such nuisance may, by petition describing the premises upon which it is alleged to exist, and setting out the nature of the nuisance complained of, apply to the board or health officer for its abatement; thereupon such board or health officer shall proceed to view the premises, and examine into the nature and cause of such nuisance.

Party aggrieved may appeal to superior court, and must give notice to board or health officers. 1887, 338, § 2.

Any person entitled to notice of the time and place of hearing upon a petition to the board of health or health officer, under the provisions of section twenty-eight of chapter eighty of the Public Statutes as prescribed by section thirty of said chapter, who is aggrieved by the decision of such board or health officer that the land described in such petition is a nuisance, may appeal therefrom to the superior court, who may hear and determine the matter of such appeal, and during such appeal all proceedings in regard to such nuisance by such board or health officer shall be stayed. The party so appealing shall within twenty-four hours after such decision give written notice to said board or health officer of his intention so to appeal, and within seven days shall present a petition to the superior court setting forth the grievances complained of and the action of the board of health or health officer thereon, and shall thereupon enter into such recognizance before said court in such sum and with such surety or sureties as shall be ordered.

Board to appoint hearing, etc. P. S., c. 80, § 30.

SECT. 30. Upon such examinaton the board or health officer, if of opinion that the prayer of the petition or any part thereof should be granted, shall appoint a time and place for a hearing, and before the time so appointed shall cause reasonable notice of the time and place to be given to the petitioners, the persons whose lands it may be necessary to enter upon to abate the nuisance, and any other person who may be affected by the proceedings, and, except in those cities and towns in which the mayor and aldermen and selectmen constitute the board of health, to the mayor or the chairman of the selectmen, that they may be heard upon the necessity and mode of abating such nuisance, and the questions of damages, and of the assessment and apportionment of the expenses of the abatement.

Form of notice, and how served. P. S., c. 80, § 31.

SECT. 31. Such notice shall be in writing, and may be served by any person competent to serve civil process, upon the mayor, or chairman of the selectmen, the petitioners, the owner

or occupant of any land upon which it may be necessary to enter, or which may be benefited by the abatement, or the authorized agent of such owner or occupant, or by leaving an attested copy of such notice at the last and usual place of abode of such persons; but if the lands are unoccupied, and the owner or agent is unknown, or out of the state, the notice to such owner may be served by posting an attested copy thereof upon the premises, or by advertising in one or more public newspapers in such manner and for such length of time as the board or health officer may direct.

Board after hearing may abate nuisance. Manner of such abatement. Damages, and upon whom assessed. P. S., c. 80, § 32.

SECT. 32. At the time and place appointed for the hearing, the board or health officer shall hear the parties, and after the hearing may cause such nuisance to be abated, according to its or his discretion; and for that purpose may enter and make such excavations, embankments, and drains upon any lands, and under and across any streets and ways, as may be necessary for such abatement; and shall also determine in what manner and at whose expense the improvements made shall be kept in repair, and shall estimate and award the amount of damage sustained by and benefit accruing to any person by reason of such improvements, and what proportion of the expense of making and keeping the same in repair shall be borne by the city or town and by any person benefited thereby. The damages so awarded shall be paid by the city or town, and there shall be assessed to the several persons benefited by such improvements their proportionate part, to be ascertained as before provided, of the expense of making and keeping in repair such improvements, and the same shall be included in the next city or town taxes of such persons, and shall be a lien upon the real estate benefited thereby, and be collected in the same manner as other taxes upon real estate. Any person aggrieved by the assessments so made may at any time within three months after receiving notice thereof, apply for a jury; such application shall be made in like manner and the proceedings thereon shall be the same as in case of lands taken for laying out of highways: *provided*, that before making his application, the party shall give one month's notice in writing to the selectmen or mayor and aldermen of his intention so to apply, and shall therein particularly specify his objections to the assessment, to which specification he shall be confined upon the hearing by the jury.

Party aggrieved may apply for a jury, but must give notice. 1887, 338, § 8.

Board to make return of doings to town clerk. P. S., c. 80, § 33.

SECT. 33. The board of health officer shall, within thirty days after the abatement of any nuisance in the manner hereinbefore provided, make return to the city or town clerk of its or his doings in the premises, which return shall be by him recorded in the city or town records.

If board unreasonably refuses to act, superior court may appoint commissioners. P. S., c. 80, § 34.

SECT. 34. If the board or health officer unreasonably refuses or neglects to proceed in the matter of such petition, the petitioner may apply by petition to the superior court or any justice thereof, who, upon a hearing and good cause shown, may appoint three commissioners, who shall proceed in the manner hereinbefore provided.

Persons aggrieved in award of damages may apply for jury. P. S., c. 80, § 35.

SECT. 35. Any person aggrieved by the decision of the board, health officer, or commissioners, in their estimate and award of damages, may make complaint to the county commissioners for the county at any time within one year after the return to the city or town clerk; whereupon the same proceedings shall be had as in cases where persons or parties are aggrieved by the award of damages by selectmen for land taken for a town way.

135 Mass., 490.

A petition to the board of health of a city described a nuisance as "owing to large quantities of stagnant water standing in an open drain between" two streets of the city. The board of health issued a notice that it was acting under the Pub. Stats., chap. 80, sects. 30, 31, and 32 (Statute of 1868, chap. 160), and abated the nuisance. On a petition for a writ of certiorari to quash the proceedings of the board of health, it did not appear whether the drain was a public or private one, nor for what purpose it was made; and it appeared to be a watercourse. *Held*, that it could not be said that the nuisance was not such as could be abated under the Pub. Stats., chap. 80, sects. 30, 31, and 32 (Statute of 1868, chap. 160), and that it was too late to take this objection; and that the action of the board, taken on a petition addressed to it, which complained of large quantities of stagnant water standing in an open drain between two streets, from which arose such unhealthy odors as to cause great sickness in the neighborhood, and prayed for a hearing; a reference of the same to the next city government; a vote of the board of health, the next year, to view the premises; a view taken; an order that the city engineer, under direction of committee, be directed to widen, straighten, and deepen a watercourse between the two streets, and that the clerk be instructed to notify abutters on the watercourse of a hearing on a certain day, under the Pub. Stats., chap. 80, sect. 30 (Statutes of 1868, chap. 160); a warrant issued by the clerk to a constable to notify abutters of the intention of the board of health to enter upon the premises for the purpose of widening, deepening, and straightening the brook, and that a hearing would be given, at a time and place named, to all parties interested in the matter, as

to the necessity and mode of abating the nuisance caused by the brook, and the question of damages, and of the assessment and apportionment of the expenses thereof; and a notice setting forth these things, and stating that it was in accordance with the Pub. Stats., chap. 80, sect. 32 (Statute of 1868, chap. 160), was justified, and that the petition was sufficient to give the board jurisdiction.

APPEAL TO COUNTY COMMISSIONERS.

Persons aggrieved by refusal of board to abate a nuisance may appeal to county commissioners. P. S., c. 80, § 36.

SECT. 36. Any person aggrieved by the neglect or refusal of the board of health in a city or town to pass all proper orders abating a nuisance or nuisances may appeal to the county commissioners, who may hear and determine the matter of such appeal, and exercise in such case all the powers which the board might exercise.

Party appealing to give notice, etc. Other proceedings. P. S., c. 80, § 37.

SECT. 37. The party so appealing shall, within twenty-four hours after such neglect or refusal, give written notice to the opposite party of his intention so to appeal, and within seven days shall present a petition to some one of the commissioners, setting forth the grievances complained of, and the action of the board of health thereon, and shall thereupon enter into such recognizance before the commissioners, in such sum, and with such surety or sureties, as they shall order.

Cost and expenses, how paid. P. S., c. 80, § 38.

SECT. 38. Each commissioner, when acting under the provisions of this chapter, shall tax three dollars per day for time, and five cents a mile for travel to and from the place of meeting, to be paid into the county treasury; and such costs shall in the first instance be paid by the appellant, and the commissioners may award that such costs and any other costs of the proceedings shall be paid by either party, as in their judgment justice shall require.

INFECTIOUS DISEASES.

SECT. 39. The board of health of a town may grant permits for the removal of any nuisance, infected articles, or sick person within the limits of its town when it thinks it safe and proper so to do.

Board to make provisions for persons infected. P. S., c. 80, § 40.

SECT. 40. When a person coming from abroad or residing in a town in this state is infected, or lately has been infected, with the plague or other sickness dangerous to the public health, except as is otherwise provided in this chapter, the board shall make effectual provision in the manner which it

judges best for the safety of the inhabitants by removing such person to a separate house or otherwise, and by providing nurses and other assistance and necessaries, which shall be at the charge of the person himself, his parents, or master, if able; otherwise at the charge of the town to which he belongs; or, if he is not an inhabitant of any town, at the charge of the commonwealth.

If infected persons cannot be removed, others may be. P. S., c. 80, § 41.

SECT. 41. If the infected person cannot be removed without danger to his health, the board shall make provision for him, as directed in the preceding section, in the house in which he may be; and may cause the persons in the neighborhood to be removed, and take such other measures as it judges necessary for the safety of the inhabitants.

Persons may be stationed in places bordering on other states to examine, etc. P. S., c. 80, § 42.

SECT. 42. The board of health of a town near to or bordering upon either of the neighboring states may appoint, by writing, suitable persons to attend at places by which travellers may pass from infected places in other states; who may examine such travellers as it suspects of bringing any infection dangerous to the public health, and if need be may restrain them from travelling until licensed thereto by the board of health of the town to which they may come. A traveller coming from such infected place, who without such license travels within this state (except to return by the most direct way to the state whence he came), after he has been cautioned to depart by the persons so appointed, shall forfeit a sum not exceeding one hundred dollars.

Two justices may issue warrant to remove sick persons, etc. P. S., c. 80, § 43.

SECT. 43. Two justices of the peace may, if need be, make out a warrant directed to the sheriff of the county or his deputy, or to any constable, requiring them under the direction of the board to remove any person infected with contagious sickness, or to impress and take up convenient houses, lodging, nurses, attendants, and other necessaries, for the accommodation, safety, and relief of the sick.

One justice may issue warrant to secure infected articles, etc. Sheriff may impress aid. P. S., c. 80, § 44.

SECT. 44. When, upon the application of the board, it appears to a justice of the peace that there is just cause to suspect that baggage, clothing, or goods found within the town are infected with the plague or other disease dangerous to the public health, he shall, by warrant directed to the sheriff or his deputy, or to any constable, require him to impress so many men as said justice may judge necessary to secure such baggage, clothing, or goods, and to post said men as a guard over

the house or place where such articles are lodged; who shall take effectual care to prevent persons from removing or coming near the same until due inquiry is made into the circumstances.

Officers may take houses and stores for safe keeping of goods, etc. P. S., c. 80, § 45.

SECT. 45. The justice may by the same warrant, if it appears to him necessary, require the officers, under the direction of the board, to impress and take up convenient houses or stores for the safe keeping of such articles; and the board may cause them to be removed thereto, or otherwise detained, until, in the opinion of the board, they are freed from infection.

May break open houses, shops, etc., and command aid. P. S., c. 80, § 46.

SECT. 46. The officers, in the execution of the warrant, shall, if need be, break open any house, shop, or other place, mentioned in the warrant, where such articles are; and may require such aid as is necessary to effect the execution of the warrant. Whoever neglects or refuses to assist in the execution of the warrant, after being commanded to assist by either of said officers, shall forfeit a sum not exceeding ten dollars.

Expenses to be paid by owners of goods. P. S., c. 80, § 47.

SECT. 47. The charges of securing such articles, and transporting and purifying the same, shall be paid by the owners, at such rates and prices as may be determined by the board.

Town to make compensation for houses, etc., or services impressed. P. S., c. 80, § 48.

SECT. 48. When a sheriff or other officer impresses or takes up any houses, stores, lodging or other necessaries, or impresses men as provided in this chapter, the several parties interested shall be entitled to a just compensation therefor, to be paid by the town in which such persons or property are so impressed.

Removal of prisoners attacked with disease. P. S., c. 80, § 49.

SECT. 49. When a person confined in a common jail, house of correction, or workhouse, has a disease which, in the opinion of the physician of the board or of such other physician as it may consult, is dangerous to the safety and health of other prisoners or of the inhabitants of the town, the board shall by its order in writing direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept so as to prevent his escape until its further order. If such person recovers from the disease, he shall be returned to said prison or other place of confinement.

Return of removal to be made to court. Such removal not an escape. P. S., c. 80, § 50.

SECT. 50. If the person so removed is committed by order of court or under judicial process, the order for his removal, or a copy thereof attested by the presiding member of the board, shall be returned by him, with the doings thereon, into the office of the clerk of the court from which the process of com-

mitment was issued. No prisoner so removed shall thereby commit an escape.

VACCINATION.

Parents, etc., to cause children to be vaccinated. Penalty for neglect. P. S., c. 80, § 51.

SECT. 51. Parents and guardians shall cause their children and wards to be vaccinated before they attain the age of two years, and revaccinated when the selectmen or mayor and aldermen shall after five years from the last vaccination require it. For every year's neglect the party offending shall forfeit five dollars.

Selectmen, etc., to enforce vaccination. Penalty for neglect. P. S., c. 80, § 52.

SECT. 52. The selectmen and mayor and aldermen shall require and enforce the vaccination of all the inhabitants, and when in their opinion the public health requires it, the revaccination of all the inhabitants who do not prove to their satisfaction that they have been successfully vaccinated or revaccinated within five years. Every person over twenty-one years of age, not under guardianship, who neglects to comply with any such requirement, shall forfeit five dollars.

Towns to provide means. P. S., c. 80, § 53.

SECT. 53. Towns shall furnish the means of vaccination to such of their inhabitants as are unable to pay for the same.

Inmates of factories, etc., to be vaccinated. P. S., c. 80, § 54.

SECT. 54. Incorporated manufacturing companies, superintendents of almshouses, state reform schools, industrial schools, lunatic hospitals, and other places where the poor and sick are received, masters of houses of correction, jailers, keepers of prisons, warden of the state prison, and superintendents or officers of all other institutions supported or aided by the state, shall at the expense of their respective establishments or institutions cause all inmates thereof to be vaccinated immediately upon their entrance thereto, unless they produce sufficient evidence of previous successful vaccination within five years.

Towns may make further provision for vaccination. P. S., c. 80, § 55.

SECT. 55. Each town may make further provision for the vaccination of its inhabitants, under the direction of the board of health or a committee chosen for the purpose.

School committee not to allow unvaccinated children to attend public schools. P. S., c. 47, § 9.

The school committee shall not allow a child who has not been duly vaccinated to be admitted to or connected with the public schools.

LYING-IN HOSPITALS.

Selectmen may license lying-in hospitals, on certificate, etc. P. S., c. 80, § 56.

SECT. 56. The selectmen of a town may license any person to establish or keep therein a lying-in hospital, hospital ward, or other place for the reception, care, and treatment of women in labor, if the board of health shall first certify to the selectmen that the person applying for such license is in its judgment a suitable person, and that from its inspection and examination of such hospital, hospital ward, or other place aforesaid, the same is suitable, and properly arranged and provided for such business.

Licenses to be for two years, but revocable. P. S., c. 80, § 57.

SECT. 57. Such license shall continue in force for two years, subject, however, to revocation by the selectmen.

Hospitals subject to visitation, etc. P. S., c. 80, § 58.

SECT. 58. Every such hospital, hospital ward, or other place shall be subject to visitation and inspection at any time by the board of health, the chief of police, and the selectmen; and if it receives in a year more than six women as patients in labor, it shall also be subject to like visitation and inspection by the state board of health.

Penalties for keeping hospital without license. P. S., c. 80, § 59.

SECT. 59. Whoever establishes or keeps or is concerned in establishing or keeping a hospital, hospital ward, or other place for the purpose mentioned in section fifty-six, or is engaged in any such business, without such license, shall for the first offence be punished by a fine not exceeding five hundred dollars, one half of which shall be paid to the complainant, and the other half to the town; and for any subsequent offence, by imprisonment in the jail or house of correction not exceeding two years.

PROTECTION OF INFANTS.

Persons taking infants to nurse or board to give notice to board of health. Power of the board. P. S., c. 30, § 60.

SECT. 60. Whoever engages in the business of taking nursing infants or infants under three years of age to board, or of entertaining or boarding more than two such infants in the same house at the same time, shall, within two days after the reception of every such infant beyond the first two, give written notice to the board of health of the city or town where such infant is to be entertained or boarded, specifying the name and age of the child and the name and place of residence of the party so undertaking its care; and such board may enter

and inspect said house and premises while said business is carried on, and direct and enforce such sanitary measures respecting such children and premises as it may deem proper.

Penalties. P. S., c. 80, § 61.

SECT. 61. Whoever violates any of the provisions of the preceding section, or refuses admission to such board for said purpose, shall be punished by a fine of not less than fifty nor more than five hundred dollars.

QUARANTINE.

Towns may establish a quarantine ground. P. S., c. 80, § 62.

SECT. 62. A town may establish a quarantine ground in a suitable place either within or without its own limits; but if such place is without its limits, the assent of the town within whose limits it may be established shall be first obtained.

Two or more towns may establish a common quarantine ground. P. S., c. 80, § 63.

SECT. 63. Two or more towns may at their joint expense establish a quarantine ground for their common use in a suitable place either within or without their own limits; but if such place is without their limits, they shall first obtain the assent of the town within whose limits it may be.

Board of health may establish the quarantine of vessels. P. S., c. 80, § 64.

SECT. 64. The board of health in each seaport town may from time to time establish the quarantine to be performed by vessels arriving within its harbor, and may make such quarantine regulations as it judges necessary for the health and safety of the inhabitants.

Quarantine regulations to extend to all persons, etc. P. S., c. 80, § 65.

SECT. 65. Such regulations shall extend to all persons, goods, and effects arriving in such vessels, and to all persons who may visit or go on board of the same.

Penalty for violation after public notice. P. S., c. 80, § 66.

SECT. 66. Whoever violates any such regulation after notice thereof has been given in the manner before provided in this chapter shall forfeit not less than five nor more than five hundred dollars.

Vessels suspected of infection to be ordered to quarantine ground. P. S., c. 80, § 67.

SECT. 67. The board in each seaport town may at any time cause a vessel arriving in such port, when such vessel or the cargo thereof is in its opinion foul or infected so as to endanger the public health, to be removed to the quarantine ground and thoroughly purified at the expense of the owners, consignees, or persons in possession of the same; and may cause all persons arriving in or going on board of such vessel, or handling the cargo, to be removed to any hospital under the care of the board, there to remain under their orders.

SECT. 68. A master, seaman, or passenger, belonging to a vessel on board of which any infection then is or has lately been, or is suspected to have been, or which has been at or has come from a port where an infectious distemper prevails that may endanger the public health, who refuses to make answer on oath to such questions as may be asked him relating to such infection or distemper by the board of health of the town to which such vessel may come (which oath any member of the board may administer), shall forfeit a sum not exceeding two hundred dollars; and if not able to pay said sum, he shall suffer six months' imprisonment.

Penalty if master, seamen, etc., refuse to answer on oath. P. S., c. 80, § 68.

Whenever quarantine is imposed on any vessel coming from abroad, and the owner, consignee, master, or other person interested in such vessel or her cargo, shall be interrogated by any member of the board of health, in his official capacity, or by the visiting physician of said board, respecting any circumstance or event, touching the health of the crew or passengers of such vessel, or any infection suspected in the cargo, from the time of her first engaging upon the voyage she may then be terminating, and the said owner, consignee, master, or other person interested as aforesaid shall make any false or unfounded declaration respecting the points under examination, every such owner, consignee, master, or other interested persons, upon conviction thereof in manner as pointed out in the eighth section of the law to which this is an addition, shall forfeit and pay a fine not exceeding five hundred dollars, suffer six months' imprisonment, either or both, at the discretion of the court having cognizance of such offence.

Penalty if owner or master of vessel makes false declaration. Spec. Laws, v. 3, 211, § 3.

SECT. 69. All expenses incurred on account of any person, vessel, or goods, under quarantine regulations, shall be paid by such person or the owner of such vessel or goods respectively.

Quarantine expenses to be paid by person or owner. P. S., c. 80, § 69.

In an action of replevin of certain rags imported into a city by the plaintiff, and retained by the defendant under a claim of lien for the charges for disinfecting the rags, it is not open to the plaintiff to object that the answer, which is demurred to, does not show that the disinfection was accomplished to the satisfaction of the board of health of the city in accordance with a regulation of the board, but only shows that the defendant's process of disinfection was one satisfactory to the board, if such objection is not specifically assigned as a cause of demurrer.

144 Mass., p. 523.

In an action of replevin of certain rags imported into a city by the plaintiff, and retained by the defendant under a claim of lien for the charges for disinfecting the rags, it is not open to the plaintiff to contend that the provisions of the Pub. Stats., chap. 80, sects. 64, 67, contemplate a special exercise of the judgment of the board of health as to each cargo arriving, and not the passage of a general regulation, if the answer, which is demurred to, shows that there was a distinct order for the disinfection of the rags in question.

A regulation of the board of health of a city, passed under the authority conferred by the Statute of 1816, chap. 44, and the Pub. Stats., chap. 80, and ordering "that on and after this date all rags arriving at this port from any foreign port, shall, before being discharged, be disinfected under the supervision of an officer of this board, and in a manner satisfactory to this board," even if the order was formal only, and was passed without any inquiry into the character of the rags or their special history, is not unreasonable.

A regulation of the board of health of a city, passed under authority conferred by the Statute of 1816, chap. 44, and the Pub. Stats., chap. 80, and ordering "that on and after this date all rags arriving at this port from a foreign port shall, before being discharged, be disinfected under the supervision of an officer of this board, and in a manner satisfactory to this board," is not void as infringing the power of Congress "to regulate commerce with foreign nations."

Under the Statute of 1816, chap. 44, and the Pub. Stats., chap. 80, sects. 18, 64, 65, 67, 69, the board of health of a city may pass a regulation without a hearing, ordering rags imported into the city to be disinfected, and the expense of such disinfection to be borne by the owner of the rags; and it is not competent for the owner of the rags, as a defence to the claim for charges for disinfection, to show that the rags did not require disinfection, and could not have transmitted disease, if they were of the class concerning which the regulation was made.

Under a regulation of the board of health of a city, made in pursuance of the authority conferred by the Statutes of 1816, chap. 44, and the Pub. Stats., chap. 80, sects. 18, 64, 65, 67, 69, ordering rags imported into the city to be disinfected at the expense of the owner, the work of disinfection may be delegated by the board to a third person, who is entitled to claim a lien upon the rags for his charges.

HOSPITALS AND DANGEROUS DISEASES.

Hospitals may be provided by towns.
P. S., c. 80, § 70.

SECT. 70. Any town may establish within its limits, and be constantly provided with, one or more hospitals for the reception of persons having a disease dangerous to the public health.

To be under orders of board of health
P. S., c. 80, § 71.

SECT. 71. Such hospitals shall be subject to the orders and regulations of the board, or of a committee of the town appointed for that purpose.

SECT. 72. No such hospital shall be established within one hundred rods of an inhabited dwelling-house situated in an adjoining town, without the consent of such town. Not to be near dwelling-house, etc. P. S., c. 80, § 72.

SECT. 73. Whoever occupies or uses a building for a hospital in a part of a city or town prohibited by the mayor and aldermen or selectmen, shall forfeit a sum not exceeding fifty dollars for every month he so occupies or uses such building, and in like proportion for a portion of a month; and the supreme judicial court in term time or vacation may issue an injunction to prevent such occupancy or use. Not to be occupied without authority. Injunction. P. S., c. 80, § 73.

CHAPTER 4. SECTION 1. The city of Boston is hereby authorized to erect, under directions of its Board of Health and Inspector of Buildings, any wooden buildings within the city, for hospital purposes, the same to remain only so long as said Board deems it necessary; *provided*, that every such hospital shall be constantly guarded outside by a competent force of at least three of the police of said city. Boston may erect wooden buildings for hospital purposes. 1873, c. 4, § 1.

CHAPTER 80. SECTION 74. When a hospital is established, the physician, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits thereof, and all furniture and other articles used or brought there, shall be subject to such regulations as may be made by the board of health or the committee appointed for that purpose. Physicians, etc., in hospitals, subject to board of health. P. S., c. 80, § 74.

SECT. 75. When a disease dangerous to the public health breaks out in a town, the board shall immediately provide such hospital or place of reception for the sick and infected as is judged best for their accommodation and the safety of the inhabitants, which shall be subject to the regulations of the board; and the board may cause any sick and infected person to be removed thereto, unless his condition will not admit of his removal without danger to his health, in which case the house or place where he remains shall be considered as a hospital, and all persons residing in or in anyway concerned within the same shall be subject to the regulations of the board as before provided. If dangerous disease breaks out, board to provide hospital, etc. P. S., c. 80, § 75.

SECT. 76. When such disease is found to exist in a town, the selectmen and board of health shall use all possible care to prevent the spreading of the infection, and to give public notice of infected places to travellers, by displaying red flags at proper Selectmen to give notice of infected places. P. S., c. 80, § 76.

distances, and by all other means which in their judgment shall be most effectual for the common safety. And whoever obstructs the selectmen, board of health, or its agent, in using such means to prevent the spreading of the infection, or wilfully removes, obliterates, defaces, or handles the red flags or other signals so displayed, shall forfeit for each offence not less than ten nor more than one hundred dollars.

Penalty on persons in hospitals for violating regulations. P. S., c. 80, § 77.

SECT. 77. If a physician or other person in any of the hospitals or places of reception before mentioned, or who attends, approaches, or is concerned with the same, violates any regulation lawfully made in relation thereto, either with respect to himself or his or any other person's property, he shall for each offence forfeit not less than ten nor more than one hundred dollars.

Householders to give notice of dangerous diseases.

SECT. 78. When a householder knows that a person within his family or house is sick of small-pox, diphtheria, scarlet fever, or any other infectious or contagious disease dangerous to the public health, he shall immediately give notice thereof to the board of health of the city or town in which he dwells, and upon the death, recovery, or removal of such person, such of the rooms of said house and such of the articles therein as in the opinion of the board of health have been subjected to infection or contagion shall be disinfected by such householder to the satisfaction of said board of health. Any person neglecting or refusing to comply with either of the above provisions shall be punished by a fine not exceeding one hundred dollars.

Penalty. P. S., c. 80, § 78. 1890, c. 102.

Physicians to give notice.

SECT. 79. When a physician knows that a person whom he is called to visit is infected with small-pox, diphtheria, scarlet fever, or any other disease dangerous to public health, he shall immediately give notice thereof to the selectmen or board of health of the town; and if he refuses or neglects to give such notice he shall forfeit for each offence not less than fifty nor more than two hundred dollars.

Penalty. P. S., c. 80, § 79. 1884, 98, § 2.

Expenses recoverable of individuals, how sued for. P. S., c. 80, § 80.

SECT. 80. Expenses incurred by a town in the removal of nuisances or for the preservation of the public health, which are recoverable of a private person or corporation, may be sued for and recovered in an action of contract.

Fines and forfeitures to inure to use of towns. P. S., c. 80, § 81.

SECT. 81. Fines and forfeitures incurred under general laws, the special laws applicable to a town, or the by-laws and regulations of a town, relating to health, shall inure to the use of such town.

Certain provisions not to apply to small-pox.
P. S., c. 80, § 82.

SECT. 82. The provisions of sections forty, forty-one, seventy-five, seventy-six, and seventy-seven, of chapter eighty, Public Statutes, so far as they confer authority for the removal of patients from their homes, except in cases of persons residing in boarding-houses, hotels, or where two or more families occupy the same dwelling, and other cases, where in the opinion of the board and the attending physician the case cannot be properly isolated, shall not apply to small-pox.

Expenses, how to be paid.
P. S., c. 80, § 83.

SECT. 83. All reasonable expenses which have been heretofore or may hereafter be incurred by the board of health of a city or town, in making the provision required by law for a person infected by the small-pox or other disease dangerous to the public health, shall be paid by the person himself, his parents, or master, if able; otherwise by the town in which he has a legal settlement; and if he has no settlement, by the commonwealth, in which case the bills therefor shall be approved by the state board of lunacy and charity.

Records to be kept.

The boards of health in the several cities and towns shall cause a record to be kept of all reports received in pursuance of the preceding sections, and such record shall contain the names of all persons who are sick, the localities in which they live, the diseases with which they are affected, together with the date and the names of the persons reporting any such cases.

School committee to be notified.
1884, 98, § 3.

The boards of health shall give the school committee immediate information of all cases of contagious diseases reported to them according to the provisions of this act.

Secretary to furnish blank record-books.
1884, 98, § 4.

The secretary of the commonwealth shall furnish the boards of health with blank books for the record of cases of contagious diseases as above provided.

Local boards notify State board of cases of small-pox.
1883, 138, § 1.
1886, 101, § 4.

When the board of health of any city or town has had notice of the occurrence of a case of small-pox in such city or town, such board of health shall, within twenty-four hours after the receipt of such notice, notify the State board of health of the same, and the secretary of said State board shall forthwith transmit a copy of the notice so received to the State board of lunacy and charity.

Forfeiture of claim for expenses, if local board neglects to notify.

If the board of health of the city or town, in which a case of small-pox has occurred, refuses or neglects to send a notice as required in section one, such city or town shall forfeit its claim upon the Commonwealth, for the payment of any expenses

1883, 138, § 2.

which may be incurred, as provided in section eighty-three of the Public Statutes.

School committees not to allow children sick with contagious diseases to attend school. Certificate of recovery required. 1885, 198, § 1.

The school committee shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of small-pox, diphtheria, or scarlet fever, or during a period of two weeks after the death, recovery, or removal of such sick person; and any pupil coming from such household shall be required to present, to the teacher of the school the pupil desires to attend, a certificate, from the attending physician or board of health, of the facts necessary to entitle him to admission in accordance with the above regulation.

Small-pox patients not to be sent to State almshouse; how provided for. P. S., c. 86, §§ 25, 26.

No city or town officer shall be allowed to send to the almshouse any person infected with small-pox or other disease dangerous to the public health, or any other sick person whose health would be endangered by removal; but all such persons liable to be maintained by the Commonwealth shall be supported during their sickness by the city or town in which they are taken sick, and notice of such sickness shall be given to the State board, which may examine the case and order the removal of the patient if it deems expedient; provided that the notice herein required, in cases of sick persons whose health would be endangered by removal, shall be signed by the overseers of the poor, or by such officer as they see fit by special vote to appoint, and they or he shall certify, after a personal examination that in their or his opinion such removal of the person named in such notice, at the time of his application for aid, would endanger his health.

1885, 211, § 1.

Expenses of small-pox cases. 1885, 211, § 2.

The expense incurred by a city or town under the provisions of the preceding section, after notice has been given as therein required, shall be reimbursed by the Commonwealth, the bills for such support having been approved by the State board or by some person designated by it, the bill so audited being endorsed with a distinct declaration that the amount being charged for has been paid from the city or town treasury.

Expenses of State pauper cases. 1885, 211, § 3.

The expense of thus supporting a person who is a State pauper, written notice having been given to the State board within sixty days from the time when such aid shall be first given, shall be paid by the Commonwealth, reference being had to the expense of supporting such a person at the almshouse, if thereto committed.

OFFENSIVE TRADES.

SECTION 84. The board of health of a town shall from time to time assign certain places for the exercise of any trade or employment which is a nuisance or hurtful to the inhabitants or dangerous to the public health, or the exercise of which is attended by noisome and injurious odors, or is otherwise injurious to their estates, and may prohibit the exercise of such trade or employment in places not so assigned; the board may also prohibit such exercise within the limits of the town or in any particular locality thereof. All such assignments shall be entered in the records of the town, and may be revoked when the board shall think proper.

Board to assign places for exercising offensive trades; and may prohibit them. P. S., c. 80, § 84.

If the board of health acts and assigns places in which any particular trade or employment may be carried on, such an assignment would undoubtedly legalize the occupation of any person conducting his business in that place, and he would then be liable to no process, suit, or prosecution, other than those which are specially appointed and prescribed. But if no such assignment has been made, and the board, in the exercise of its discretion, has not seen fit to act at all, a remedy for injuries to the public or for violation of private rights by the permanent maintenance of offensive trades and employments must be found in the rules and principles of the common law. The statute, by leaving that body to act according to the discretion of its members, has imposed no duty upon them which they are imperatively bound to perform, and no means have been provided by a recourse to which, as by a complaint made to them, they can be compelled to exercise the power with which they are intrusted. The board may pass an order prohibiting the exercise of an offensive trade, without having given previous notice to parties interested. 16 Gray, 231. 8 Allen, 327.

The keeping of swine can be prohibited under this section. 135 Mass. 526.

An order under this section need not state in direct terms that the trade which it prohibits is a nuisance. It is sufficient if the order clearly shows, that, in the opinion of the board, the exercise of such trade will be hurtful to the inhabitants, or injurious to the public health, or be attended by noisome and injurious odors. 116 Mass. 261.

The following order was held to be valid: —

"Ordered, that the exercise of the trade or employment of preparing tripe, manufacturing neat's-foot oil, tallow, and glue stock, and the boiling and trying of bones, hoofs, heads, refuse, and partially decayed animal matter, and as a part of such trade or employment, the storing about the premises where such business is carried on, of putrid meats, bones, heads, legs, and the various other materials from which offensive smells emanate, which are used in such trade or employment, be and the same hereby is forbidden within the limits of the city of Taunton."

A board of health may regulate as well as prohibit the exercise of offensive trades. 125 Mass. 195

Superior court on complaint may revoke such assignment. P. S., c. 80, § 85.

SECT. 85. When it appears on a trial before the superior court for the county, upon a complaint made by any person, that a place or building so assigned has become a nuisance, by reason of offensive smells or exhalations proceeding from the same, or is otherwise hurtful or dangerous to the neighborhood or to travellers, the court may revoke such assignment and prohibit the further use of such place or building for the exercise of either of the aforesaid trades or employments, and may cause such nuisance to be removed or prevented.

Action for damages from nuisance. P. S., c. 80, § 86.

SECT. 86. A person injured either in his comfort or the enjoyment of his estate by such nuisance may have an action of tort for the damage sustained thereby.

Orders of prohibition, etc., to be served on occupant. If he refuses to obey, board may prevent. Penalty. P. S., c. 80, § 87.

SECT. 87. Orders of prohibition shall be served upon the occupant or person having charge of the premises where such trade or employment is exercised. If the party upon whom such order is served for twenty-four hours after such service refuses or neglects to obey the same, the board shall take all necessary measures to prevent such exercise; and the person so refusing or neglecting shall forfeit not less than fifty nor more than five hundred dollars.

11 Allen, 398. A notice ordered by the board and duly received is sufficiently served. It need not necessarily be served by a constable or other officer.

11 Allen, 402. The supreme judicial court has authority under its general jurisdiction as a court of equity to restrain by injunction the carrying on of an offensive trade which has been prohibited by a board of health.

Appeal by person aggrieved. P. S., c. 80, § 83. 1889, 193, § 1.

SECT. 88. Any person aggrieved by an order passed under section eighty-four or ninety-three of chapter eighty of the Public Statutes may appeal therefrom, and if he shall within three days from the service thereof upon him file a petition in the clerk's office of the superior court, in the county where the premises are located with reference to which such order is made, for a jury, a trial may, after such notice as the court shall order to the board, be had at the bar of the court, in the same manner as other civil cases are there tried by jury. If a person by mistake of law or fact, or by accident, fails to appeal from any such order and to file his petition for a jury within three days, and if he makes it appear to the court or justice that such failure was caused by mistake or accident, and that he has not since the service of such order upon him exercised such trade or

employment contrary to the order, he may at any time within thirty days from the service of the order upon him appeal therefrom and file his petition for a jury with the same effect as if done within the said three days.

Trade not to be exercised meanwhile. P. S., c. 80, § 89. 1889, 193, § 1.

SECT. 89. During the pendency of the appeal, such trade or employment shall not be exercised contrary to the order unless specially authorized by said board after the appeal, and if so specially authorized, all further proceedings by said board shall be stayed during the pendency of the appeal; and upon any violation of the order unless specially authorized as aforesaid, the appeal shall forthwith be dismissed.

116 Mass. 260.

To allow the offensive trade to be carried on until it had been decided by a jury to be a nuisance, and the question of law arising upon such a trial has been determined by the court, would defeat the purpose of the statute. It is a case in which private rights must be held subordinate to the public welfare, and falls within the strictest interpretation of the maxim, *Salus populi suprema lex.*

Verdict of jury may alter, etc., order; to be returned for acceptance. P. S., c. 80, § 90. 1889, 193, § 2.

SECT. 90. The verdict of the jury, which may either alter the order, or affirm or annul it in full, shall be returned to the court for acceptance as in case of highways; and said verdict when accepted shall have the authority and effect of an original order from which no appeal had been taken, and may also be enforced by injunction or other order of the court in equity.

Costs, how assessed. Limitations. 1889, 193, § 1.

SECT. 91. If the order is affirmed by the verdict, the town shall recover costs against the appellant. If it is annulled, and the appellant has not been specially authorized by said board after the appeal to exercise such trade or employment during the pendency of the appeal, he shall recover damages and costs against the town; and if he has been specially authorized as aforesaid and the order is annulled, or if it is altered, the appellant shall not recover damages against the town, and the court shall render such judgment as to costs as in its discretion may seem just.

Slaughter-house, etc., not to be used without leave. Penalty.

SECT. 92. Whoever occupies or uses a building for carrying on therein the business of slaughtering cattle, sheep, or other animals, or for a melting or rendering establishment, or for other noxious or offensive trades and occupations, or permits or allows said trades or occupations to be carried on upon premises owned or occupied by him, without first obtaining the

written consent and permission of the mayor and aldermen of the city or selectmen of the town in which the building or premises are situated, shall forfeit a sum not exceeding two hundred dollars for every month he so occupies or uses such building or premises, and in like proportion for a longer or shorter time; *provided* that this section shall not apply to any building or premises occupied or used for the trades or occupations before described, on the eighth day of May in the year eighteen hundred and seventy-one; but no person occupying or using any building or premises on said date for the trades or occupations aforesaid shall enlarge or extend the same without first obtaining the written consent and permission of the mayor and aldermen or selectmen.

State board may prohibit offensive trades. Penalty. P. S., c. 80, § 93.

SECT. 93. When any building or premises are so occupied or used, the state board of health shall, upon application made to it for that purpose, appoint a time and place for hearing the parties, and give due notice thereof to the party against whom the application is made, and after such notice and hearing may, if in its judgment the public health or the public comfort and convenience so require, order any person to desist and cease from further carrying on said trades or occupations in such building or premises; and any person thereafter continuing so to occupy or use such building or premises shall forfeit a sum not exceeding two hundred dollars for every month of such occupancy and use, and in like proportion for a longer or shorter time.

Injunction to prevent offensive trades. P. S., c. 80, § 94.

SECT. 94. The supreme judicial court in term time or vacation may issue an injunction to prevent the occupancy, use, enlargement, or extension of any building or premises occupied or used for the trades or occupations aforesaid, without the written consent and permission being first obtained; and also in like manner to enforce the orders of the state board issued under the preceding section.

109 Mass. 315.

A bill in equity to restrain by injunction a person from occupying and using a building for carrying on the business of slaughtering cattle, sheep, or other animals, without the written consent of the selectmen, is properly brought in the name of the inhabitants of the town.

Other remedies not impaired by preceding provisions. P. S., c. 80, § 95.

SECT. 95. The three preceding sections shall not be so construed as to impair any other remedies which may exist in cases of nuisance.

GENERAL PROVISION.

SECT. 106. The provisions of this chapter (c. 80, Public Statutes) extend to cities so far as the same are not inconsistent with their several charters or acts in amendment thereof.

Chapter extends to cities. P. S., c. 80, § 109.

CEMETERIES AND BURIALS.

CHAPTER 82. SECTION 15. Towns may grant and vote such sums as they may judge necessary for enclosing any cemetery provided by them according to law, or constructing paths and avenues and embellishing the grounds in the same, and may establish all necessary rules in relation thereto not repugnant to law. They may lay out such cemetery into lots, and shall set apart a suitable portion as a public burial-place for the use of the inhabitants, free of charge. They may sell and convey to any persons, whether residents of the towns or otherwise, the exclusive right of burial and of erecting tombs and cenotaphs upon any lot, and of ornamenting the same, upon such terms, conditions, and regulations as they shall prescribe, and the proceeds of such sales shall be paid into the town treasuries, and be kept separate and apart from other funds, and be appropriated to reimburse the towns for the cost of the land, or of the improvement and embellishment thereof.

Towns may vote money for improvement of cemetery, etc., public burial-place. May sell lots. 1877, c. 69, § 7.

SECT. 16. No city or town shall alienate, convey, or appropriate to any other use than that of a burial-ground, any tract of land which has been for more than one hundred years used as a place of burial of the dead; and no portion of such burial-ground shall be taken for any public use without special authority from the legislature; but this section shall not apply in any case where the town had given its consent to such use, or where special authority therefor had been granted by the legislature, prior to the twenty-eighth day of April in the year eighteen hundred and eighty.

Ancient burial-places to be preserved. 1880, c. 163.

SECT. 17. Any person holding, occupying, or interested in a lot in a public burial-place of a city or town may deposit with the treasurer of such city or town a sum of money not exceeding five hundred dollars for the purpose of providing for the preservation and care of such lot or its appurtenances; which sum shall be entered upon the books of the treasurer, and held in

Persons interested in public burial-places may deposit money with town or city treasurer for care thereof.

Provisions relative thereto. 1870, 225, §§ 1, 2, 3.

accordance with the provisions of the ordinances or by-laws of such city or town in relation to burials. A city or town may pass such ordinances or by-laws as may be necessary for the purposes of this section, and not repugnant to law; and may receive such money for said purposes, and may allow interest thereon at a rate not exceeding six per cent. a year.

Private land not to be used for burial, except, etc. P. S., 28, § 5. 99 Mass. 283. 109 Mass. 1, 21.

SECT. 18. Except in the case of the erection or use of a tomb on private land for the exclusive use of the family of the owner, no land, other than that already so used or appropriated, shall be used for the purpose of burial, unless by permission of the town or of the mayor and aldermen of the city in which the same is situated.

Boards of health may make regulations. P.S., c. 82, § 19. 1885, 278, § 1.

SECT. 19. Boards of health of cities and towns may prohibit the use by undertakers, for the purpose of speculation, of tombs as places of deposit for bodies committed to them for burial; may, if in their opinion the public health requires it, close any tomb, burial-ground, cemetery, or other place of burial within the city or town, for such length of time as they may deem necessary for the protection of the public health; may make all regulations which they judge necessary concerning burial-grounds and interments within their respective limits, and may establish penalties not exceeding one hundred dollars for any breach of such regulations.

Cush., 58.

The powers given to boards of health are large and general to make regulations for the interment of the dead and respecting burying-grounds.

This section is not confined in its operation to acts done within the burial-grounds. The word "interments" properly includes and describes the removal of the bodies of deceased persons for the purpose of burial.

13 Allen, 546.

That this necessary duty shall be performed, especially when undertaken for hire, by suitable and trustworthy persons, and that the moving of dead bodies through the public streets shall be conducted with decency and safety, are obviously matters proper for municipal regulation, and which, as well as the mode of burial, may concern the public health to no slight extent. The board of health of a city may establish a regulation prohibiting any person, unless appointed an undertaker or otherwise authorized by the board of health, from moving from any house or other place in the city to any place of burial the body of any deceased person, and making it the duty of undertakers to attend funerals when required, and to collect and pay over the burial fees, and requiring, further, each undertaker to give bonds in the sum of two hundred dollars. The refusal or neglect of a person appointed an undertaker to give the bond required by the regulation would justify the revocation of his appointment without any previous notice to him.

SECT. 20. Notice of such regulations shall be given by publishing the same in some newspaper of the city or town, or, if there is no such newspaper, by posting a copy in some public place therein; which shall be deemed legal notice to all persons.

Boards of health to give notice of regulations. P. S. 28, § 7.

SECT. 21. For every interment in violation of section eighteen, in a city or town in which the notice prescribed in the preceding section has been given, the owner of the land so used shall forfeit not less than twenty nor more than one hundred dollars.

Penalty for interments in violation of section eighteen. P. S. 28, § 11.

SECT. 22. Before a tomb, burial-ground, or cemetery is closed by order of such board of health for a time longer than one month, all persons interested shall have an opportunity to be heard, and personal notice of the time and place of hearing shall be given to at least one owner of the tomb, and to three at least, if so many there are, of the proprietors of such burial-ground or cemetery, and notice shall also be published two successive weeks at least preceding such hearing, in two newspapers, if so many there are, published in the county.

Notice to be given before closing tombs, etc., by order of board. P. S. 28, § 8.

SECT. 23. The owner of a tomb aggrieved by the order of the board of health closing a tomb, burial-ground, or cemetery, may appeal therefrom, and at any time within six months from the date of the order enter his appeal in the superior court; and the appellant shall give the board of health fourteen days' notice of his appeal previous to the entry thereof. But the order of the board shall remain in force until a decision is had on the appeal.

Appeal from order of board. P. S. 28, § 9.

Appeals shall be tried in regular course before a jury, and if the jury find that the tomb, burial-ground, or cemetery so closed was not a nuisance nor injurious to the public health at the time of the order, and that the closing thereof was not necessary for the protection of the public health, the court shall rescind such order so far as it affects such tomb, burial-ground, or cemetery; and execution for the costs of the appeal shall issue in favor of the appellant, against the city or town in which the same was situated. But if the order is sustained, execution shall issue for double costs against the appellant in favor of the board of health for the use of the city or town.

To be tried by jury. Costs. P.S., c. 82, § 24. 1885, 278, § 2.

APPOINTMENT OF UNDERTAKERS.

Undertakers in Boston to be licensed by the board of health. 1890, 210, § 1.

SECTION 1. The Board of Health of the city of Boston shall in each year license for a term of one year, beginning with the first day of May, a suitable number of undertakers to take charge of the funeral rites preliminary to the interment of a human body, and may establish reasonable regulations for the government of said undertakers and for the fees to be paid for their services; and no person shall engage in the business of an undertaker except persons so licensed.

Penalty. 1890, 210, § 2.

SECT. 2. Any person not licensed as above provided who engages in the business of an undertaker, or who, being so licensed, violates any of the regulations established by said Board of Health as hereinbefore provided, shall, on conviction thereof, be punished by a fine not exceeding fifty dollars for each offence.

REGISTRATION OF DEATH CERTIFICATES.

City and town clerks to record births, marriages, and deaths. P.S., c. 32, § 1.

CHAPTER 32. SECTION 1. The clerk of each city and town shall receive and obtain, and record and index, the following facts concerning the births, marriages, and deaths therein, separately numbering and recording the same in the order in which he receives them, designating in separate columns as follows: —

In the record of deaths, the date of the death, the name of the deceased, the sex, the color, the condition, (whether single, widowed, or married,) the age, the residence, the occupation, the place of death, the place of birth, the names and places of birth of the parents, the disease or cause of death, the place of burial, if the deceased was a married woman her maiden name and the name of her husband, and the maiden name of the mother of any deceased person, and the date of the record.

1887, 202, § 5.
1890, 402.

Physicians to certify, etc. Penalty. P.S. 21, § 3. 1888, c. 306, § 3.

CHAPTER 306. SECTION 3. A physician who has attended a person during his last illness shall, when requested, forthwith furnish for registration a certificate stating to the best of his knowledge and belief, the name of the deceased, his age, the disease of which he died, the duration of his last sickness, and the date of his decease. If a physician refuses or neglects to make such certificate, he shall forfeit ten dollars to the use of the town in which he resides.

Sexton and others to make returns to city and town clerks. G. S. 21, § 4. 1872, 275, § 1. 1873, 202.

SECT. 4. Every sexton, undertaker, or other person having charge of a burial-ground, and every undertaker or superintendent of burials having charge of the funeral rites preliminary to the interment of a human body, shall forthwith obtain and return to the clerk of the city or town in which the deceased resided, or the death occurred, the facts required by this chapter to be recorded by said officer concerning the deceased, and the person making such return shall receive from his city or town the fee of twenty-five cents therefor.

Burial or removal of body not permitted until certificate has been given. 1878, 174, § 1. 1888, 306.

SECT. 5. No undertaker, sexton, or other person shall bury in a city or town or remove therefrom the body of a deceased person until he has received a permit so to do from the board of health or its duly appointed agent, or, if there is no board of health in such city or town, from the city or town clerk. No such permit shall be issued until there has been delivered to such board, or agent or clerk, as the case may be, a satisfactory written statement containing the facts required by this chapter to be returned and recorded, together with the certificate of the attending physician, if any, as required by section three of this chapter, or in lieu thereof a certificate as hereinafter provided. If there is no attending physician, or if the certificate of the attending physician cannot be obtained, for good and sufficient reasons, early enough for the purpose, the chairman of the board of health or any physician employed by a city or town for the purpose shall, upon request of said board, agent or clerk, make such certificate as is required of the attending physician; and in case of death by violence, the medical examiner shall, if requested, make the same. When such satisfactory statement and certificate are delivered to the board of health or to its agent, the board or agent shall forthwith countersign and transmit the same to the clerk or register for registration. The person to whom the permit is so given shall thereafter furnish for registration any other information as to the deceased or to the manner and cause of the death, as the clerk or registrar may require. Any person violating any of the provisions of this section shall be punished by a fine not exceeding fifty dollars.

Towns may make additional rules, etc. G. S. 21, § 13.

SECT. 18. A city or town may make rules and regulations to enforce the provisions of this chapter, or to secure a more perfect registration of deaths therein.

Transportation of bodies of persons who have died of infectious disease. Such bodies to be so prepared as to preclude danger. 1883, 124, § 2.

CHAPTER 124. SECTION 2. No railroad corporation, or other common carrier or person, shall convey or cause to be conveyed, through or from any city or town in this commonwealth, the remains of any person who has died of small-pox, scarlet fever, diphtheria, or typhoid fever, until such body has been so encased and prepared as to preclude any danger of communicating the disease to others by its transportation; and no local registrar or clerk shall give a permit for the removal of such body until he has received from the board of health of the city, or the selectmen of the town where the death occurred, a certificate, stating the cause of death, and that said body has been prepared in the manner set forth in this section, which certificate shall be delivered to the agent or person who receives the body. Any person violating the provisions of this section shall be punished by fine, not exceeding twenty-five dollars.

Penalty. 1887, 335.

Violation of sepulture. P.S., c. 207, § 47.

CHAPTER 207. SECTION 47. Whoever, not being authorized by the board of health, overseers of the poor, directors of a workhouse, or mayor and aldermen or selectmen of a city or town, or by the board of directors for public institutions or overseers of the poor of the city of Boston, wilfully digs up, disinters, removes, or conveys away a human body or the remains thereof, or knowingly aids in such disinterment, removal, or conveying away, and whoever is accessory thereto either before or after the fact, shall be punished by imprisonment in the state prison or jail not exceeding three years or by fine not exceeding two thousand dollars.

19 Pick., 306.

The removal of a dead body is not an offence within the meaning of the above statute, unless it is removed with the intent to use it or dispose of it for the purpose of dissection.

THE INQUEST LAW.

Duties of medical examiners. P.S., c. 26, § 10.

CHAPTER 26. SECTION 10. Medical examiners shall make examination as hereinafter provided, upon the view of the dead bodies of such persons only as are supposed to have come to their death by violence.

When an autopsy shall be made. P.S., c. 26, § 11.

SECT. 11. When a medical examiner has notice that there has been found, or is lying within his county, the dead body of a person who is supposed to have come to his death by violence, he shall forthwith repair to the place where such body lies, and take charge of the same; and if, on view thereof and per-

sonal inquiry into the cause and manner of the death, he deems a further examination necessary, he shall, upon being thereto authorized in writing by the district attorney, mayor, or selectmen of the district, city, or town where such body lies, make an autopsy in the presence of two or more discreet persons, whose attendance he may compel by subpœna if necessary, and shall then and there carefully reduce or cause to be reduced to writing every fact and circumstance tending to show the condition of the body, and the cause and manner of death, together with the names and addresses of said witnesses, which record he shall subscribe. Before making such autopsy he shall call the attention of the witnesses to the position and appearance of the body.

THE PRESERVATION OF HEALTH IN BUILDINGS IN BOSTON.

Dwelling, etc., houses to be furnished with good and sufficient water-closets. 1885, c. 382, § 1.

CHAPTER 382. SECTION 1. Every building in the city of Boston used as a dwelling, tenement, or lodging house, or where persons are employed, shall have at all times such number of good and sufficient water-closets, earth-closets, or privies, as the Board of Health of said city may determine, but the occupants of any two or more of any such buildings may use such closets or privies in common, provided the access is easy and direct; and said board shall not require more than one such closet or privy for every twenty persons.

Water-closets to be provided. Vaults and cesspools prohibited. 1889, c. 450, § 2.

SECT. 2. Every such building situated on a public or private street, court, or passageway in which there is a public sewer, and every building connected with any sewer, shall have sufficient water-closets connected with the sewer, and shall not have a cesspool or privy, except where in the opinion of the Board of Health it can be allowed to remain temporarily, and then only as said board shall approve; and if there is no sewer and said board is of the opinion that the public health requires one, and shall so certify to the Board of Aldermen of said city, said last-named board shall forthwith lay and make a common sewer in such street, court, or passageway: provided, however, that said Board of Aldermen shall not be required in any one year to make sewers in accordance with this act to cost in the aggregate more than ten thousand dollars. Every water fixture having a waste-pipe connected with a sewer or cesspool

shall be provided with a separate trap, placed as near as practicable to said fixture.

Tenements to be inspected twice a year. 1889, c, 450, § 3.

SECT. 3. Every building hereafter converted into or used for a tenement-house or lodging-house shall, in addition to all other requirements of law, conform to the provisions of this act, and every such building shall be carefully inspected at least twice a year under the direction of the Board of Health; and whenever said board has made an order concerning said building a re-inspection shall be made within ten days after said board has been informed that the order has been complied with.

Definitions. 1889, c. 450, § 4.

SECT. 4. In this act the following terms shall have the meanings respectively assigned to them, viz.: —

"Cellar" means a basement or lower story of any building of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

"Inspector" means inspector of buildings of the city of Boston.

"Lodging-house" means a building in which persons are temporarily accommodated with sleeping apartments, and includes hotels.

"Tenement-house" means a building which, or any portion of which, is occupied, or to be occupied, as the residence of more than two families living independently of one another, and doing their cooking upon the premises

Yards or areas so constructed that water, etc., will freely flow therefrom.

SECT. 5. Every tenement or lodging house shall have the yard or area so connected with a sewer that all water and liquid filth will freely flow from it to the sewer, or, if there is no sewer, to the street gutter, by means of a passage under the sidewalk covering, so constructed as to be easily accessible to remove obstructions.

Clear, open space in the rear, if building is on the front of lot. 1895, c. 382, § 6.

SECT. 6. If a building to be used for a tenement or lodging house is on the front of any lot where there is another building on the rear of the same lot, there shall be clear, open space, exclusively belonging to the front building, and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground. If they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be not less than twenty feet; and if they are more than three stories high, the

distance between them shall be not less than twenty-five feet.

Space in rear of building on the back part of lot. 1885, c. 382, § 7.

SECT. 7. If such building is on the back part of any lot, there shall be a clear, open space of at least ten feet between such building and every other building in its rear. But when thorough ventilation of such open space can be otherwise secured said distances may be lessened or modified, in special cases, by a permit from the Board of Health and the Inspector.

Height of rooms. Windows. 1885, c. 382, § 8.

SECT. 8. Every habitable room of such building not now used, but hereafter used as a tenement or lodging house shall be, in every part, not less than eight feet in height from the floor to the ceiling except in the attic, and shall be at least eight feet in height from the floor to the ceiling throughout not less than one-half the area of such room; and every such room shall have at least one window connecting with the external air, or over the door a suitable ventilator connecting with a room or hall which has a connection with the external air.

Area of window communicating with the external air. 1885, c. 382, § 9.

SECT. 9. The total area of window communication with the external air, in every room of such building, shall be equal to at least one-tenth of the superficial area of the room; and the top of one at least of such windows shall be not less than seven feet six inches above the floor, and the upper half of each window shall be so made as to open for the purposes of ventilation.

Area of room. Ventilation. 1885, c. 382, § 10.

SECT. 10. Every habitable room of such building, of area less than one hundred superficial feet, which does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation, approved by the Board of Health and the said Inspector.

Chimneys with open fireplaces or place for a stove. Water supply. 1885, c. 382, § 11.

SECT. 11. Every such building shall have adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments; shall have proper conveniences, and non-combustible receptacles for ashes and rubbish; shall have water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof; and shall have the floor of the cellar properly cemented, so as to be water-tight.

Receptacles for garbage.

SECT. 12. Every such building used for a tenement or lodging house shall have suitable receptacles for garbage and

other refuse matters, and shall not be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep, or goat be kept in said building.

Animals not to be kept in house.
1885, c. 382, § 12.

Building and yard to be kept clean.
1885, c. 382, § 13.

SECT. 13. Every such building, and the yard, court, passage, area, and alleys belonging to the same, shall be kept clean and free from any accumulation of dirt, filth, garbage, or other refuse matter, to the satisfaction of the Board of Health.

Tenant to cleanse the rooms, etc.

SECT. 14. The tenant of any lodging-house or tenement-house shall thoroughly cleanse all the rooms, floors, windows, and doors of the house, or part of the house, of which he is the tenant, to the satisfaction of the Board of Health; and the owner or lessee shall well and sufficiently, to the satisfaction of said board, whitewash or otherwise cleanse the walls and ceilings thereof once at least in every year in the months of April or May, and have the privies, drains, and cesspools kept in good order and the passages and stairs kept clean and in good condition. Whenever there shall be more than eight families living in any tenement-house in which the owner thereof does not reside, there shall be, when required by the Board of Health, a janitor, housekeeper, or some other responsible person satisfactory to said board, who shall reside in said house and have charge thereof.

Owner to whitewash the walls.
1885, c. 382, § 14.

Janitor to be employed.
1889, c. 450, § 5.

Notice to be given of infectious diseases.

SECT. 15. The owner, agent of the owner, and keeper of any lodging or tenement house, or part thereof, shall, when any person in such house is sick of fever, or of any infectious, pestilential, or contagious disease, and such sickness is known to such owner, agent, or keeper, give immediate notice thereof to the Board of Health, and thereupon said board shall cause the same to be inspected, and cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary; and may also cause the blankets, bedding, and bedclothes used by any such person to be thoroughly cleansed, scoured, and fumigated, and, in extreme cases, to be destroyed.

Infected articles to be disinfected or destroyed.
1885, c. 382, § 15.

Halls on each floor to open directly to the external air.
1885, c. 382, § 16.

SECT. 16. The halls on each floor of every such building shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light and ventilation is otherwise provided for said halls in a manner approved by the Board of Health.

Cellar or underground room

SECT. 17. No person shall, without a permit from the Board of Health, let or occupy, or suffer to be occupied, separately

as a dwelling or place of lodging and sleeping, any cellar or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof; nor unless the same shall have been so let or occupied before the passage of this act, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining, or nearest to the same; nor unless there be, outside of and adjoining the said vault, cellar, or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open space of at least two feet and six inches wide in every part; nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room; nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented; nor unless there be appurtenant to such vault, cellar, or room the use of a water-closet or privy, kept and provided as in this act required; nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation: provided, however, that in case of an inner or back vault, cellar, or room, let or occupied along with a front vault, cellar, or room, as a part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar, or room is connected with the front vault, cellar, or room, by a door, and also by a proper ventilating or transom window, and, where practicable, also connected by a proper ventilating or transom window, or by some hall or passage, with the external air; provided, further, that in any area adjoining a vault, cellar, or underground room, there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not to be over, across, or opposite to said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room, a clear space of six inches at least, and if the rise of said steps is open; and provided,

not to be used as a dwelling, etc.

1885, c. 382, § 17.

Proviso.

further, that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room, to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

Board of Health may limit the number of occupants of any tenement, etc. 1889, c. 450, § 6.

SECT. 18. The Board of Health may by a vote limit the number of occupants in any tenement or lodging house, or in any part or parts of the same, and shall in such case cause a notice stating such number to be affixed conspicuously in such building and served on the owner, agent, or person having the charge thereof. If the number is exceeded said board may order the premises vacated, and they shall not be again occupied until said board shall so permit, upon being satisfied that the vote will be complied with. Said board may make such further regulation as to overcrowding, ventilation, and occupation of such houses and the cellars thereof and of buildings where persons are employed, not inconsistent with other laws, as they deem proper.

Name of owner, agent, etc., to be posted on wall of tenement-houses. 1885, c. 382, § 19.

SECT. 19. Every owner and agent, or person having charge of a tenement or lodging house, shall leave his address with the Board of Health, and shall have legibly posted on the wall or in the entry of such tenement or lodging house, the name and address of such owner and of the agent or person having charge of the same; and service upon parties whose address is out of the city, of any papers or notices required by this act, or any act relating to the preservation of health, or by any proceedings to enforce any of their provisions, shall be sufficient, if made by sending a copy of such paper or notice through the mail to the address of the person or persons so designated as owner, agent, or person having charge of such tenement or lodging house; and service upon parties whose address is in the city, by leaving such copy at said address.

Officers to have free access to building. 1885, c. 382, § 20.

SECT. 20. Every officer of the Board of Health, and every officer upon whom any duty or authority is conferred, shall have free access to every part of any lodging or tenement house, when required, in the proper execution of the duties of his office.

Provisions may be enforced in equity. 1885, c. 382, § 21.

SECT. 21. Any court having equity jurisdiction, in term time or vacation, may, on the application of the Board of Health, by any suitable process or decree in equity, enforce the provisions of this act, and may, on such application, issue an injunction to restrain the use or occupation of any building or structure in

the city of Boston, erected, altered, or used in violation of this act.

Fines and penalties. 1885, c. 328, § 22.

SECT. 22. Any person violating any provision of this act shall be punished by a fine not exceeding one hundred dollars, or by confinement in the house of correction not exceeding sixty days, unless another penalty is specifically provided herein.

Officers to be sworn. 1885, c. 328, § 23.

SECT. 23. Every member of said Board of Health, and every inspector acting under said board shall, before entering upon the duties of his office take and subscribe an oath before the city clerk of said city that he will faithfully and impartially discharge such duties, and the city clerk shall make and keep a record of such oath. Every member of said board and every such inspector who enters upon or discharges such duties without having taken and subscribed such oath, shall be liable to a penalty of one hundred dollars, but such omission shall not render invalid any act or proceeding of said board.

Penalty.

Police officers may be detailed for exclusive service of Board of Health.

CHAPTER 451. SECTION 7. The Board of Police for the city of Boston shall, upon requisition by the Board of Health of said city, detail to the exclusive service and direction of said Board of Health, for enforcing the laws and ordinances relating to the preservation of health and to tenement and lodging houses, such number, not exceeding five, of police officers satisfactory to the Board of Health as the Board of Health may desire, and the services of the police officers so detailed shall be paid for by said Board of Health; and said officers so detailed shall continue subject to the direction of said Board of Health until exchanged for others at the request of said last-named board. Said board of Police are hereby authorized and empowered to appoint patrolmen, in number not exceeding five, to fill any vacancies in the police force in the city which may be caused by the detailing of officers as provided in this act.

Vacancies thus created may be filled. 1889, c. 451, § 7.

Providing for connecting buildings with public sewers. 1890, chap. 132.

CHAPTER 132. SECTION 1. Every building situated on a public or private street, court, or passageway in which there is a public sewer shall, when required by the board of health of the city or town in which it stands, be connected by a good and sufficient particular drain with such public sewer.

Penalty.

SECT. 2. Any person owning, leasing, or maintaining any building not connected with a public sewer, as provided in the

preceding section, shall be punished by a fine not exceeding two hundred dollars.

To prevent the establishment of privy-vaults in certain places. 1890, chap. 74.

CHAPTER 74. SECTION 1. No privy-vault shall be established in a city which accepts this act, either upon premises situated on a public or private street, court, or passageway where there is a public sewer opposite thereto, or upon premises connected with a public or private sewer, without permission in writing first obtained from the board of health of said city; and whenever there is in such city a privy-vault so situated which in the opinion of the board of health of such city is injurious to the public health, said board shall declare the same to be a nuisance and forbid its continuance; and sections twenty-one to twenty-three inclusive of chapter eighty of the Public Statutes shall apply to such nuisances so declared.

THE OCCUPANCY OF STABLES.

Use of stables in Boston regulated. 1889, c. 89, § 1.

CHAPTER 89. SECTION 1. No person shall hereafter occupy or use any building in the city of Boston for a stable unless first authorized thereto by the Board of Health of said city, and in such case only to the extent so authorized; provided that this act shall not prevent any such occupation and use authorized by law at the time of the passage of this act, to the extent so authorized.

Penalty. 1889, c. 89, § 2.

SECT. 2. Any person violating any of the provisions of this act shall be liable to a fine not exceeding five dollars for each and every day that such violation continues, and any court having jurisdiction in equity may restrain such use and occupation.

Livery-stables not to be erected within one hundred and seventy feet of any church or meeting-house erected for the worship of God. 1810, chap. 124.

CHAPTER 124. SECTION 1. That from and after the passing of this act, no building shall be erected within the town of Boston, and used and improved as a stable, for the taking in and keeping horses or chaises, or other carriages, upon hire, or to let, commonly called livery-stables, within one hundred and seventy feet of any church or meeting-house erected for the public worship of God, without the consent in writing of the proprietors of such church or meeting-house, or of the religious society or parish worshipping therein, and the consent of the Board of Health of the city of Boston; provided, however,

Proviso. 1860, chap. 109.

that this act shall not be so construed as to prevent the finishing of any stable which has been in part erected, if the completion thereof shall be approved by the Board of Health of the city of Boston.

SECT. 2. Be it further enacted, that for any offence against the provision of this act, the owner or owners, keeper or keepers, of such building shall forfeit and pay the sum of one hundred dollars for every calendar month during which the same shall be so used and improved, to be recovered by action of debt, one-half thereof to enure to the use of the poor of the town of Boston, and the other half thereof to him or them who shall sue for the same. Penalty. 1810, chap. 124.

PUBLIC BATHS.

CHAPTER 27. SECTION 13. A town in which chapter two hundred and fourteen of the statutes of the year eighteen hundred and seventy-four has been duly accepted, or in which this and the following section have been accepted by two-thirds of the legal voters present and voting at an annual meeting, may purchase or lease lands, and erect, alter, enlarge, repair, and improve buildings for public baths and wash-houses, either with or without open drying grounds, and may make open bathing places, and may fit up and furnish all of the same with the requisite furniture, fittings, and conveniences, and may raise and appropriate money therefor. May establish and maintain public baths, etc. P. S., c. 27, § 18.

PUBLIC URINALS.

CHAPTER 65. SECTION 1. The city of Boston, by vote of its City Council, shall have power to erect and maintain urinals for public use in any street, way, court, public square, common, or common lands in said city, and likewise in the public garden, so called, lying to the eastward of Arlington street therein; and any owner of land who suffers any injury in his property by reason of the construction of any urinal as aforesaid, may, at any time within one year after the construction is commenced, apply to the superior court for Suffolk county for assessment of his damages by a jury, and have his damages ascertained in the manner provided where land is taken in laying out highways. Public urinals may be maintained in Boston by vote of City Council. 1876, c. 65.

CREMATION.

CHAPTER 265. SECTION 1. Any five or more persons may associate themselves together in the manner prescribed by chapter one hundred and six of the Public Statutes, with a Five or more persons may form a corporation for purpose

of incinerating dead bodies. 1885, 265, § 1.

capital of not less than six thousand nor more than fifty thousand dollars, for the purpose of providing the necessary appliances and facilities for the proper disposal by incineration of the bodies of the dead; and corporations so established shall have the same powers and privileges and be subject to the same duties, liabilities, and restrictions as other corporations established under said chapter, except as hereinafter provided. The par value of shares in the capital stock of corporations organized under the provisions of this act shall be either ten or fifty dollars.

May hold real estate as approved by state board of health. 1885, 265, § 2.

SECT. 2. Every such corporation may acquire by gift, devise, or purchase, and hold in fee simple so much real estate not exceeding in value fifty thousand dollars as may be necessary for carrying out the objects connected with and appropriate to the purposes of said corporation, and situated in such place as the state board of health may determine to be suitable for said objects and purposes. No building shall be erected, occupied, or used by such corporation until the location and plans thereof, with all details of construction, have been submitted to and approved by said board or some person designated by it to examine them.

May make by-laws and rules subject to the approval of state board. 1885, 265, § 3.

SECT. 3. Every such corporation may make by-laws and regulations consistent with law and subject to the approval of said state board, for the reception and cremation of bodies of deceased persons, and for the disposition of the ashes remaining therefrom, and shall carry on all its business in accordance with such regulations as said board shall from time to time establish and furnish in writing to the clerk of the corporation; and for each violation of said regulations, it shall forfeit not less than twenty nor more than five hundred dollars.

No body to be cremated within 48 hours after death. Certificate of medical examiner required in addition to usual certificate. Fees of medical examiner. 1885, 265, § 4.

SECT. 4. No body of a deceased person shall be cremated within forty-eight hours after decease, unless death was occasioned by contagious or infectious disease; and no body shall be received or cremated by said corporation until its officers have received the certificate or burial permit required by law before burial, together with a certificate from the medical examiner of the district within which the death occurred, that he has viewed the body and made personal inquiry into the cause and manner of death, and is of opinion that no further examination nor judicial inquiry concerning the same is necessary. For such view, inquiry, and certificate he shall receive the fees

prescribed by section nine of chapter twenty-six of the Public Statutes for a view without an autopsy by examiners in counties other than Suffolk county. Medical examiners within their respective districts shall make such view and inquiry upon application therefor and payment or tender of said fees.

CONTAGIOUS DISEASES AMONG HORSES AND CATTLE.

Boards of health to cause infected animals to be quarantined.

SECTION 1. The boards of health of cities and towns, in case of the existence in this Commonwealth of the disease called pleuro-pneumonia among cattle, or farcy or glanders among horses, or any other contagious or infectious disease among domestic animals, shall cause the animals which are infected, or which have been exposed to infection in their respective cities and towns, to be secured or collected in some suitable place or places within their cities or towns, and kept isolated; and when taken from the premises or possession of their owners, the expense of their maintenance shall be paid by the city or town wherein the animal is kept, and four-fifths of such payment, when certified by the treasurer of such city or town, shall be refunded by the Commonwealth; such isolation to continue as long as the existence of such disease or other circumstances may render it necessary.

Expense to be paid by cities and towns. 1887, 252, § 1.

Boards of health may prohibit departure of animals and appoint agents to enforce regulations. 1887, 252, § 2.

SECT. 2. They may, within their respective cities and towns, prohibit the departure of animals from any enclosure or exclude animals therefrom, and may appoint agents who shall have power to enforce the prohibitions and regulations for which provision is made in sections three and four of this act.

May make regulations, arrest and detain animals, etc. 1887, 252, § 3.

SECT. 3. They may make regulations in writing to regulate or prohibit the passage from, to, or through their respective cities or towns, or from place to place within the same, of any cattle or other domestic animals, and may arrest and detain at the cost of the owners thereof all animals found passing in violation of such regulations; and may take all other necessary measures for the enforcement of such prohibition, and also for preventing the spread of any disease among the animals of their respective cities and towns and the immediate vicinity thereof.

Regulations to be recorded and published.

SECT. 4. Such regulations shall be recorded upon the records of their cities and towns respectively, and shall be pub-

1887, 252, § 4.

lished in such cities and towns in such manner as may be provided in such regulations.

Penalty for disobedience. 1887, 252, § 5.

SECT. 5. Any person disobeying the orders of the boards of health, made in conformity with section three, or driving or transporting any animals contrary to the regulations made, published, and recorded as aforesaid, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.

Notice to be given to board of health as to diseased animals.

SECT. 6. Whoever has knowledge of, or has good reason to suspect the existence of a contagious disease among any species of domestic animals in this state, whether such knowledge is obtained by personal examination or otherwise, shall forthwith give notice thereof to the board of health of the city or town where such diseased animals are kept; and for failure so to do shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty. 1887, 252, § 6.

Board of health to examine domestic animals upon notice. 1887, 252, § 7.

SECT. 7. The board of health of a city or town, having received notice of a suspected case of contagious disease among any of the domestic animals in their city or town, shall forthwith make an examination thereof personally, or by a competent person appointed by them for that purpose, and if satisfied there are good reasons for believing that contagion is present, shall immediately inform the cattle commissioners.

Penalty for refusal or neglect. 1887, 252, § 8.

SECT. 8. A city or town whose officers refuse or neglect to carry into effect the provisions of the first four and the seventh sections of this act, shall forfeit a sum not exceeding five hundred dollars for each day's neglect.

Boards of health may take land, and estimate damages, and record a description of land.

SECT. 9. The boards of health of cities and towns, when in their judgment it is necessary to carry into effect the provisions of this chapter, may within their respective cities and towns take and hold, for a term not exceeding one year, any land, without buildings other than barns thereon, upon which to enclose and isolate any animals; and they shall cause the damage sustained by the owner in consequence of such taking and holding to be appraised by the assessors of the city or town wherein the lands so taken are situated; and they shall further cause a description of such land, setting forth the boundaries thereof, and the area as nearly as may be estimated, together with the said appraisal, to be entered on the records of the city or town. The amount of said appraisement shall be paid as provided in section one, in such sums and at such times

Expenses, how paid.

as the board of health may order. If the owner of land so taken is dissatisfied with said appraisement he may by action of contract recover of the city or town wherein the lands lie a fair compensation for the damages sustained by him, but no costs shall be taxed unless the damages recovered in such action, exclusive of interest, exceed said appraisement. And the Commonwealth shall reimburse to the city or town four-fifths of any sum recovered of it in any such action.

Owner may recover by action if dissatisfied. 1887, 252, § 9.

SECT. 10. When a board of cattle commissioners, appointed in accordance with the provisions of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and eighty-five, is in existence, and makes and publishes any regulations concerning the extirpation, cure, or treatment of animals infected with, or which have been exposed to any contagious disease, such regulations shall supersede those made by boards of health, and boards of health shall carry out and enforce all orders and directions of said commissioners to them directed.

Regulations of cattle commissioners to supersede those of boards of health. 1887, 252, § 10.

SECT. 11. Said commissioners shall have all the power and authority herein conferred upon boards of health, and in addition may establish hospitals or quarantines with proper accommodations wherein, under prescribed regulations, animals by them selected may be confined and treated, for the purpose of determining the varying characteristics of and the methods by which a specific contagion may be disseminated or destroyed; and they may direct boards of health to enforce and carry into effect all such regulations as may from time to time be made for that end. And any such other officer who refuses or neglects to carry out any such regulation of the commissioners, shall be punished by a fine not exceeding five hundred dollars for every such offence.

Commissioners to have the power and authority of boards of health, and may establish hospitals and quarantines, and may direct boards of health.

Penalty. 1887, 252, § 11.

SECT. 12. The commissioners, when in their judgment the circumstances of the case and the public good require it, may cause to be killed and buried any domestic animals which are infected with or have been exposed to contagious disease; and except as is provided in the following section shall cause such animals to be appraised by three competent, disinterested men, under oath, at the fair value thereof in their condition at the time of appraisement, and the amount of the appraisement and necessary expense of the same shall be paid as provided in section one.

Commissioners may cause infected animals to be killed and buried, and may have an appraisal made. 1887, 252, § 12.

May cause certain animals to be killed without appraisal.

SECT. 13. When the commissioners, by an examination of a case of contagious disease among domestic animals, become satisfied that it has been contracted by intention or negligence on the part of the owner, or of a person in his employ, or by his consent, or by the use of food material liable to contain the germs of contagion, they shall cause such animals to be securely isolated at the expense of the owner, or they shall cause them to be killed without appraisal or payment; and in all cases of farcy or glanders, the commissioners having condemned the animal infected therewith, shall cause such animal to be killed without an appraisal, but may pay the owner or any other person an equitable sum for the killing and burial thereof.

Farcy or glanders. 1887, 252, § 13.

Penalty for non-compliance. 1887, 252, § 14.

SECT. 14. A person who fails to comply with a regulation made or an order given by the commissioners in the discharge of their duty, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.

Prosecutions may be maintained in any county 1887, 252, § 15.

SECT. 15. Prosecutions under the preceding section may be maintained in any county.

Appraisements to be in writing and certified. 1887, 252, § 16.

SECT. 16. All appraisements under this chapter shall be in writing and signed by the appraisers and certified by the boards of health or commissioners, respectively, to the treasurers of the cities and towns where the animals are kept, and forwarded to the auditor of the Commonwealth.

Commissioners may examine witnesses under oath, and shall have the powers of justices of peace.

SECT. 17. The commissioners may examine under oath all persons believed to possess knowledge of material facts concerning the existence or dissemination or danger of dissemination of contagious disease among domestic animals; and for this purpose shall have all the powers vested in justices of the peace to take depositions, and to compel witnesses to attend and testify, by chapter one hundred and sixty-nine of the Public Statutes. All costs and expenses incurred in procuring the attendance of such witnesses shall be allowed and paid to the commissioners from the treasury of the Commonwealth, upon being certified to and approved by the state auditor.

Costs, how paid. 1887, 252, § 17.

Carcasses may be inspected and sold for food, if free from disease. Disposal of proceeds of sales. 1887, 252, § 18.

SECT. 18. When animals exposed to contagious diseases are killed by order of the commissioners, their carcasses may be inspected by the commissioners or a competent, discreet person appointed by them, and if they are found entirely free of disease and in a wholesome condition for food, they may be sold by them or by their order, and the proceeds of the sales shall be applied in payment of the appraised value of said animals.

SECT. 19. Cattle commissioners now or hereafter appointed shall keep a full record of their doings, and report the same to the legislature on or before the tenth day of January in each year unless sooner required by the governor; and an abstract of the same shall be printed in the annual report of the state board of agriculture. Commissioners to keep a record, and report to legislature. 1887, 252, § 19.

SECT. 20. When animals are transported within this state from infected localities beyond its boundary lines, such animals may be seized and quarantined by the commissioners, at the expense of the owners thereof, so long as the public safety may require; and if, in their judgment, it is necessary to secure that safety, they may cause such animals to be killed without appraisal or payment for the same. Certain animals may be seized and quarantined at expense of owners, and killed if necessary. 1887, 252, § 20.

SECT. 21. No Texan, Mexican, Cherokee, Indian, or other cattle, which the cattle commissioners decide may spread contagious disease, shall be driven on the streets of any city, town, or village, or on any road in this Commonwealth, nor shall they be driven outside the stockyards connected with any railway in this Commonwealth, between the first day of March and the first day of November. Certain cattle not to be driven on streets, or outside of stockyards. 1887, 252, § 21.

SECT. 22. In all stockyards within this Commonwealth said Texan, Mexican, Cherokee, Indian, or other cattle, which the cattle commissioners decide may spread contagious disease, shall be kept in different pens from those in which other cattle are kept, from the first day of March until the first day of November. Certain cattle to be separated in pens, when. 1887, 252, § 22.

SECT. 23. Any person or persons violating any provision of the two preceding sections shall be punished by a fine of not less than twenty nor more than one hundred dollars. Penalty for violation. 1887, 252, § 23.

SECT. 24. Chapter ninety of the Public Statutes and chapter one hundred and forty-eight of the acts of the year eighteen hundred and eighty-five are hereby repealed: *provided*, that nothing herein contained shall affect any prosecution pending, or any penalty incurred before this act takes effect. Chapter 90, P. S., and chap. 148, Acts of 1885, repealed. 1887, 252, § 24.

CHAPTER 250. SECTION 3. All expenses of quarantine, condemnation of animals exposed to disease, and the expenses of any and all measures that may be used to suppress and extirpate pleuro-pneumonia shall be paid by the United States, and in no case shall this state be liable for any damages or expenses of any kind under the provisions of this act. Expenses to be paid by the United States. 1887, 250, § 3.

SANITARY PROVISIONS IN FACTORIES AND WORK-SHOPS, SCHOOL-HOUSES AND OTHER PUBLIC BUILDINGS.

Governor to appoint inspectors of factories and public buildings. P. S. 103, § 9.

CHAPTER 103. SECTION 9. The governor shall appoint two or more of the district police to act as inspectors of factories and public buildings. In a district where a district police officer is appointed to act as such inspector, the governor may appoint an additional district police officer; but the whole district police force shall not exceed sixteen men.

Factories to be kept clean and provided with sanitary appliances. 1888, 305, § 1. (This and the following sections were enacted to amend sections 1 and 2 of chapter 103 of the Acts of 1887.)

CHAPTER 305. SECTION 1. Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment or office in which two or more children, young persons, or women are employed, shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance, and shall be provided, within reasonable access, with a sufficient number of proper water-closets, earth-closets, or privies for the reasonable use of the persons employed therein; and wherever two or more male persons and two or more female persons are employed as aforesaid together, a sufficient number of separate and distinct water-closets, earth-closets, or privies shall be provided for the use of each sex and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

Owner or occupant to make proper changes. Action to recover expenses, how made. 1888, 385, § 2.

SECT. 2. It shall be the duty of every owner, lessee, or occupant of any premises so used as to come within the provisions of this act to carry out the same and to make the changes necessary therefor. In case such changes are made upon the order of an inspector of factories by the occupant or lessee of the premises, he may at any time within thirty days of the completion thereof bring an action before any trial justice, police, municipal, or district court against any other person having an interest in such premises, and may recover such proportion of expense of making such changes as the court adjudges should justly and equitably be borne by such defendant.

Inspectors of factories to notify boards of health of sanitary defects, etc. 1887, 103, § 3.

SECT. 3. When it appears to an inspector of factories that any act, neglect, or default in relation to any drain, water-closet, earth-closet, privy, ash-pit, water-supply, nuisance, or other matter in a factory or in a workshop, included under section one of this act, as punishable or remediable under chap-

ter eighty of the Public Statutes, or under any law of the Commonwealth relating to the preservation of the public health, but not under this act, such inspector shall give notice in writing of such act, neglect, or default to the board of health of the city or town within which such factory or workshop is situate, and it shall thereupon be the duty of such board of health to make enquiry into the subject of the notice, and to take such action thereon in the way of enforcing any provisions of law within its authority as the facts may call for.

Penalty for violation. Four weeks' notice required. 1887, 103, § 4.

SECT. 4. Any person violating any provision of sections one and two of chapter 103 of the acts of 1887 shall be punished by fine not exceeding one hundred dollars; but no criminal prosecution shall be made for such violation until four weeks after notice in writing by an inspector of factories of the changes necessary to be made to comply with the provisions of said sections has been sent by mail or delivered to such person, nor then if in the mean time such changes have been made in accordance with such notification. A notice shall be deemed a sufficient notice under this section to all the members of a firm or to a corporation, when given to one member of such firm, or to the clerk, cashier, secretary, agent, or any other officer having charge of the business of such corporation or to its attorney; and in the case of a foreign corporation, notice to the officer having the charge of such factory or workshop shall be sufficient; and such officer shall be personally liable for the amount of any fine in case a judgment against the corporation is returned unsatisfied.

Definition of terms employed in the act. 1887, 103, § 5.

SECT. 5. The following expressions used in this act shall have the following meanings: —

The expression "person" means any individual, corporation, partnership, company, or association.

The expression "child" means a person under the age of fourteen years.

The expression "young person" means a person of the age of fourteen years and under the age of eighteen years.

The expression "woman" means a woman of eighteen years of age and upwards.

The expression "factory" means any premises where steam, water, or other mechanical power is used in aid of any manufacturing process there carried on.

The expression "workshop" means any premises, room, or

place, not being a factory as above defined, wherein any manual labor is exercised by way of trade or for purposes of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing, or adapting for sale any article or part of an article, and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control: *provided*, *however*, that the exercise of such manual labor in a private house or private room by the family dwelling therein, or by any of them, or in case a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

The aforesaid expressions shall have the meanings above defined for them respectively in all laws of this Commonwealth relating to the employment of labor, whether heretofore or hereafter enacted, unless a different meaning is plainly required by the context.

Factories to be properly ventilated. 1887, 173, § 1.

CHAPTER 173. SECTION 1. Every factory in which five or more persons are employed, and every workshop in which children, young persons, or women, five or more in number, are employed, shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, so far as is practicable, all the gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

Mechanical ventilation to be required where dusty processes are conducted. 1887, 173, § 2.

SECT. 2. If in a factory or workshop included in section one of this act any process is carried on by which dust is generated and inhaled to an injurious extent by the persons employed therein, and it appears to an inspector of factories that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, and that the same could be provided without excessive expense, such inspector may direct a fan or other mechanical means of a proper construction to be provided within a reasonable time, and such fan or other mechanical means shall be so provided, maintained, and used.

Penalty for violation. Four

SECT. 3. Any person employing labor in a factory or workshop and violating any provision of this act shall be punished

by fine not exceeding one hundred dollars; but no criminal prosecution shall be made for any such violation unless such employer shall have neglected for four weeks to make such changes in his factory or workshop as shall have been ordered by an inspector of factories by a notice in writing delivered to or received by such employer.

weeks' notice required. 1887, 183, § 3.

CHAPTER 149. SECTION 1. Every public building and every schoolhouse shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance, and shall be provided with a sufficient number of proper water-closets, earth-closets, or privies for the reasonable use of the persons admitted to such public building or of the pupils attending such schoolhouse.

Public buildings and schoolhouses to have proper sanitary provisions. 1888, 149, § 1.

SECT. 2. Every public building and every schoolhouse shall be ventilated in such a proper manner that the air shall not become so exhausted as to be injurious to the health of the persons present therein. The provisions of this section and the preceding section shall be enforced by the inspection department of the district police force.

Public buildings and schoolhouses to be properly ventilated. 1888, 149, § 2.

SECT. 3. Whenever it shall appear to an inspector of factories and public buildings that further or different sanitary provisions or means of ventilation are required in any public building or schoolhouse in order to conform to the requirements of this act, and that the same can be provided without incurring unreasonable expense, such inspector may issue a written order to the proper person or authority directing such sanitary provisions or means of ventilation to be provided, and they shall thereupon be provided in accordance with such order by the public authority, corporation, or person having charge of, owning, or leasing such public building or schoolhouse.

Inspectors to issue orders directing the provisions of sanitary measures. 1888, 149, § 3.

SECT. 4. Any school committee, public officer, corporation, or person neglecting for four weeks after the receipt of an order from an inspector, as provided in the preceding section, to provide the sanitary provisions or means of ventilation required thereby, shall be punished by fine not exceeding one hundred dollars.

Penalty for violation. 1888, 149, § 4.

SECT. 5. The expression "public building" used in this act means any building or premises used as a place of public entertainment, instruction, resort, or assemblage. The expression "schoolhouse" means any building or premises in which

Definition of terms used in the act. 1888, 149, § 5.

public or private instruction is afforded to not less than ten pupils at one time.

DOGS; HYDROPHOBIA.

Precaution against hydrophobia. P. S., c. 102, § 83.

CHAPTER 102. SECTION 83. Every license issued to the owner of a dog shall have printed thereon a description of the disease in dogs known as hydrophobia, said description to be supplied by the secretary of the state board of health to the clerks of the several cities and towns, upon application therefor.

THE INSPECTION AND SALE OF PROVISIONS, AND ANIMALS INTENDED FOR SLAUGHTER.

Appointment of inspectors of provisions. P. S., c. 58, § 1.

CHAPTER 58. SECTION 1. The mayor and aldermen of cities and the selectmen of towns may annually appoint one or more persons to be inspectors of provisions and of animals intended for slaughter. Such inspectors shall be sworn faithfully to discharge the duties of their office, and shall receive such compensation as the city council or the selectmen shall determine.

Duties and powers of inspectors. P. S., c. 58, § 2.

SECT. 2. Said inspectors may inspect all animals intended for slaughter, and all meats, fish, vegetables, produce, fruits, and provisions of all kinds, found in said cities or towns, or exposed for sale or kept with intent to sell therein; and may for this purpose enter into all buildings or enclosures where said animals, meats, fish, vegetables, produce, fruits, or provisions are kept, stored, or exposed for slaughter or sale. When such animals, meat, fish, vegetables, produce, fruit, or provisions are found on such inspection to be tainted, diseased, corrupted, decayed, or unwholesome from any cause, said inspectors shall seize the same, and cause them or it to be destroyed or disposed of otherwise than for food; but if, at the time of the seizure, the owner of the property seized notifies in writing the inspector seizing the same of his desire to appeal to the board of health, said inspector shall cause said animals, meat, fish, vegetables, produce, fruit, or provisions to be inspected by said board of health, or by a committee thereof consisting of not less than two members; and if said board or committee find the same to be tainted, diseased, corrupted, or unwholesome, they shall order the same to be destroyed or disposed of otherwise than for food. If said board or committee do not so find, they

shall order said animals, meat, fish, vegetables, produce, fruit, or provisions to be forthwith returned to the owner thereof. All moneys received by said inspectors or board of health for property disposed of as aforesaid shall, after deducting all expenses incurred by reason of such seizure, be paid to the owner of such property.

Duties and powers relative to veal. P. S., c. 58, § 3.

SECT. 3. Said inspectors may inspect all veal found in said cities or towns or offered or exposed for sale or kept with intent to sell therein, and if said veal is, in the judgment of the inspector, that of a calf killed under four weeks old, he shall seize the same and cause it to be destroyed or disposed of as provided in the preceding section, subject, however, to the provisions therein contained concerning appeal and the disposal of moneys.

Search-warrants for unwholesome food, etc. P. S., c. 58, § 4.

SECT. 4. When complaint is made on oath to any police, district, or municipal court, or to a magistrate authorized to issue warrants in criminal cases, that the complainant believes that any diseased animals, or any tainted, diseased, corrupted, decayed, or unwholesome meat, fish, vegetables, produce, fruit, or provisions of any kind, or any veal of a calf killed under four weeks old, are kept or concealed in a particular house or place with the intent to kill, sell, or offer the same for sale for food, the court or magistrate, if satisfied there is reasonable cause for such belief, shall issue a warrant to search for such animals or articles; and all such warrants shall be directed and executed as provided in section three of chapter two hundred and twelve [of the Public Statutes]. If, upon hearing, said court or magistrate determines that said animals or articles or any of them were kept or concealed for the purposes aforesaid, the same shall be destroyed or disposed of by the inspector, or by any officer designated by the court or magistrate according to the provisions of section two of this chapter; if the court or magistrate does not so determine, said animals or articles shall be returned to the owner.

Penalty for knowingly selling, etc., unwholesome food. P. S., c. 58, § 5.

SECT. 5. Whoever knowingly sells, or offers or exposes for sale or has in his possession with intent to sell for food, any diseased animal, or any tainted, diseased, corrupted, decayed, or unwholesome meat, fish, vegetables, produce, fruit, or provisions of any kind whatever, shall be punished by imprisonment in jail for not more than sixty days, or by fine of not more than one hundred dollars.

Name and place of business of persons convicted to be published. P. S., c. 58, § 6.

SECT. 6. The place where property condemned under this chapter is found, and the name of every person in whose possession it is found, and of every person convicted of an offence under the preceding section, shall be published in two newspapers published in the county in which the property was found or the conviction took place.

This chapter not to be in force unless accepted. P. S., c. 58, § 7.

SECT. 7. The provisions of this chapter shall not be in force in any city or town unless they are adopted by the city council of such city or by the inhabitants of such town, or unless the provisions of chapter one hundred and eighty of the statutes of the year eighteen hundred and seventy-six have been already so adopted.

Killing for sale or selling calf less than four weeks old. P. S., c. 208, § 2.

Whoever kills or causes to be killed, for the purpose of sale, any calf less than four weeks old, or knowingly sells, or has in his possession with intent to sell, the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction not exceeding six months, or by fine not exceeding two hundred dollars, or by both such imprisonment and fine; and all such meat exposed for sale, or kept with intent to make sale thereof, may be seized and destroyed by any board of health or health officer, or by any sheriff, deputy-sheriff, constable, or police officer.

97 Mass. 567.

Where a party is charged with an offence of "killing, or causing to be killed, for the purpose of sale, any calf less than four weeks old," it is not necessary to allege in the indictment or prove that he knew the calf to be less than four weeks old. The defendant is bound to know the facts and obey the law at his peril.

Under the next clause of this section, the offence is not the killing of the calf, but "*knowingly*" selling, or having in possession with intent to sell, the meat of a calf killed when less than four weeks old; and this language makes the defendant's knowledge essential to be alleged and proved.

The legislature saw fit to make the man who kills or causes to be killed, a calf for the purpose of sale, at all events punishable if the animal was less than four weeks old; but to punish the man who sells veal only in case he knows it to have been killed when under four weeks old.

THE BRIGHTON ABATTOIR.

The Butchers' Slaughtering and Melting Association. 1870, c. 365.

CHAPTER 365. SECTION 1. Horace W. Baxter, Horace W. Jordan, and Francis B. Ricker, their associates and successors, are hereby made a corporation by the name of the Butchers' Slaughtering and Melting Association, to be located

in the town of Brighton, for the purpose of carrying on the business of buying and slaughtering cattle, sheep, and other animals, and of melting and "rendering" establishments, subject, however, to the provisions hereinafter contained, and to all general laws now, or that may hereafter be in force, applicable to such corporations.

May take and hold such land not exceeding one hundred acres, as city of Boston may determine. To file description of land in registry of deeds within sixty days. 1870, c. 365.

SECT. 2. Said corporation may take and hold, by purchase or otherwise, such parcel of land, not exceeding one hundred acres in extent, and situated in Brighton, within two miles of the Cattle Fair Hotel, as the Board of Health of the city of Boston shall by vote determine to be suitable for the carrying on of said business; and said corporation shall within sixty days from the time it shall take any land otherwise than by purchase, file in the office of the registry of deeds for the county wherein said lands lie, a description thereof, as certain as is required in a common conveyance of lands, together with a statement of the purpose for which the lands are taken, which description and statement shall be signed by the president of the corporation.

Damages, how ascertained, etc. 1870, c. 365.

SECT. 3. The said corporation shall be liable to pay all damages that shall be sustained by any person in their property by the taking of any land for the purposes of this act. Any person who shall sustain damages as aforesaid, and who shall not agree upon the damages to be paid therefor, may apply by petition for the assessment of his damages, at any time within one year from the taking of said land, to the superior court in the county in which said land is situate. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to said corporation, returnable, if issued in vacation, to the then next term of the said court, held fourteen days at least after the issuing of said summons, and if in term time, returnable on such day as the court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days at least before the return day thereof, by leaving a copy thereof with the clerk of said corporation, and upon the return of said summons duly served, the said petition shall stand as a cause in said court, and all questions of fact relating to the damages sustained by the petitioner shall be heard and determined, and the amount of such damages shall be assessed by a jury of said court, unless the party shall in writing waive their

right to a jury trial and agree that the question of said damages shall be determined by the court; and the verdict of said jury being accepted and recorded by said court or the award of the court, if jury trial shall be waived, shall be final and conclusive, and judgment shall be rendered, and execution issued thereon, and costs shall be recovered by the petitioner if the amount of said judgment shall exceed the amount offered him for his damage by said corporation before the filing of said petition; otherwise said corporation shall recover its costs.

Buildings to be erected and business to be carried on subject to the approval of the Board of Health of the city of Boston. 1870, c. 365.

SECT. 4. Said corporation shall proceed to build upon said land suitable buildings for the slaughtering of cattle, sheep, and other animals, and for melting and rendering purposes, and all necessary stables and outbuildings. But no building shall be erected until the plans thereof, with all details of construction, shall have been submitted to and approved by said Board of Health of the city of Boston, or some person designated by said board to examine said plans. All the business of said corporation shall be carried on in accordance with such regulations as said board shall from time to time establish and furnish in writing to the clerk of said corporation, and for each violation of any one of said regulations, said corporation shall be liable to a fine of not less than twenty nor more than five hundred dollars, to be recovered by indictment against said corporation. Subject to the forgoing provisions said corporation may manufacture and sell any of the usual products of said slaughtering and melting business, or may lease or permit other persons to use their buildings or parts thereof on such terms as may be agreed upon. And each member of said corporation shall have the right to slaughter on the said premises, subject to such regulations and such tariff of prices as said corporation may, by vote at any regular meeting, establish, and to the regulations of the said Board of Health as aforesaid. And any person engaged in slaughtering or other business on the premises of said corporation, who shall violate any of the said regulations of said board, shall be liable to the penalty hereinbefore affixed to violations thereof by said corporation.

Capital stock and shares. 1870, c. 365.

SECT. 5. The capital stock of said corporation shall consist of two hundred thousand dollars, to be divided into shares of one hundred dollars each, and said corporation shall not take any land as hereinbefore provided, or commence business, until the

sum of one hundred thousand dollars at least shall be paid in cash.

CHAPTER 144. SECT. 2. From and after the first day of June in the year eighteen hundred and seventy-six, the business of slaughtering shall not be conducted within the limits of the city of Boston, except upon the premises of the Butchers' Slaughtering and Melting Association in said city. Slaughtering to be done only at premises of association. 1876, c. 144, § 2.

SECT. 3. The said association shall, within a reasonable time, slaughter all cattle, sheep, and calves, which may be brought to their premises for that purpose by persons not occupying tenements therein, whenever the accommodations under their control on said premises will permit. They shall also prepare the meat and other products of such animals for the market. They may charge, in addition to the offal from said animal, such price per head as may be mutually agreed upon; and in case of disagreement as to the price, the same shall be fixed by the Board of Health of the city of Boston. Association to slaughter all cattle, etc., brought to them. 1876, c. 144, § 3.

SECT. 4. Said Board of Health of the city of Boston is hereby authorized to appoint one or more inspectors, to see that the rules and regulations for the conduct of the business of the association for the time being are fully obeyed by said association and their tenants, and also to see that none but healthy animals are slaughtered; the salary or salaries of said inspector or inspectors to be established by the City Council of said city of Boston. The said inspector or inspectors shall at all times have access to the premises of said association and any building thereon, and also to the premises, yards, or cars of any railroad company within the city of Boston for the purposes of examination, inspection, and seizure of any meat or animals unfit for human food. Boston Board of Health to appoint inspectors. 1876, c. 144, § 4.

SECT. 5. Said Board of Health of the city of Boston is hereby authorized to make whatever regulations may seem to them fit in order to prevent the slaughter and sale of animals unfit for human food. To prevent slaughter of animals unfit for human food. 1876, c. 144, § 5.

POULTRY.

CHAPTER 94. SECTION 1. No poultry, except it be alive, shall be sold or exposed for sale until it has been properly dressed, by the removal of the crop and entrails when containing food. Poultry to be properly dressed before sale. 1887, 94, § 1.

SECT. 2. Whoever knowingly sells or exposes for sale poultry contrary to the provisions of section one of this act Penalty. Boards of health to enforce.

1887, 94, § 2. shall be punished by a fine of not less than five nor more than fifty dollars for each offence. The boards of health in the several cities and towns shall cause the provisions of this act to be enforced in their respective cities and towns.

THE SALE OF TAINTED OR DAMAGED FISH.

Penalty for selling tainted fish for food. P. S., c. 56, § 45.

CHAPTER 56. SECTION 45. Whoever sells within this Commonwealth or exports therefrom tainted or damaged fish, unless with the intent that the same shall be used for some other purpose than as food, shall forfeit ten dollars for every hundred pounds of such fish, and in the same proportion for any other quantity; and upon a trial in such case the burden of proof shall be upon the defendant to show for what purpose such fish was so exported or sold.

ADULTERATION OF FOOD AND DRUGS.

State board shall make investigations and may appoint inspectors, analysts, and chemists. 1882, 263, § 5.

CHAPTER 263. SECTION 5. The state board of health shall take cognizance of the interests of the public health relating to the sale of drugs and food and the adulteration of the same, and shall make all necessary investigations and inquiries in reference thereto, and for these purposes may appoint inspectors, analysts, and chemists, who shall be subject to its supervision and removal.

FEEDING GARBAGE.

Garbage and offal not to be fed to milch cows. 1889, 326.

CHAPTER 326. SECTION 1. Whoever knowingly feeds or has in his possession with intent to feed to any milch cow, any garbage, refuse, or offal collected by any city or town, or by any person having authority from any city or town, by contract or otherwise, shall be punished by imprisonment in the jail or house of correction not exceeding sixty days or by fine not exceeding one hundred dollars.

DISPOSAL OF GARBAGE.

City or town may contract for the disposal of garbage, etc. 1889, 377.

CHAPTER 377. SECTION 1. Any city or town may, by its board of aldermen, selectmen, board of health, or other officer or officers having in charge the disposition of the garbage, refuse, and offal of such city or town, contract for a term of years for the disposition of such garbage, refuse, and offal by cremation or otherwise.

OFFENCES AGAINST GOOD ORDER.

CHAPTER 207. SECTION 47. Whoever, not being authorized by the board of health, overseers of the poor, directors of a workhouse, or mayor and aldermen or selectmen of a city or town, or by the board of directors for public institutions, or overseers of the poor of the city of Boston, wilfully digs up, disinters, removes, or conveys away a human body, or the remains thereof, or knowingly aids in such disinterment, removal, or conveying away, and whoever is accessory thereto either before or after the fact, shall be punished by imprisonment in the state prison or jail not exceeding three years, or by fine not exceeding two thousand dollars.

Violation of sepulture. P. S., 165, § 37. 1879, 16. 10 Pick. 37. 19 Pick. 304.

SECT. 48. Whoever buys, sells, or has in his possession for the purpose of buying, selling, or trafficking in the dead body of a human being, shall be punished by fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the jail for not less than three months nor more than three years.

Buying or having dead body for the purpose of sale, etc. P. S., 165, § 38.

SECT. 49. Whoever wilfully destroys, mutilates, defaces, injures, or removes a tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or a fence, railing, curb, or other thing intended for the protection or ornament of a tomb, monument, gravestone, or other structure before mentioned, or of an enclosure for the burial of the dead, or wilfully destroys, mutilates, removes, cuts, breaks, or injures a tree, shrub, or plant placed or being within such enclosure, or wantonly or maliciously disturbs the contents of a tomb or grave, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail or house of correction not exceeding three years.

Injuring or defacing tomb, memorial of the dead, etc. P. S., 165, § 39. 1879, 39. 100 Mass. 181.

SECT. 50. Whoever wrongfully, and by any act not included in the provisions of the preceding section, destroys, injures, or removes a building, fence, railing, or other thing lawfully erected in or around a place of burial or cemetery, or a tree, shrub, or plant situate within its limits, or wrongfully injures a walk or path, or places rubbish or offensive matter or commits a nuisance therein, or in any way desecrates or disfigures the same, shall forfeit for every such offence not less than five nor more than one hundred dollars. Upon the trial of a prosecution for the recovery of such penalty, use and occupation for

Desecration of burial-ground. P. S., 28, § 12. 2 Allen, 512. 7 Allen, 299. 100 Mass. 181.

the purposes of burial shall be deemed sufficient evidence of title.

THE DISPOSAL OF CERTAIN SEWAGE.

Sewage not to be discharged near Calf pasture in Dorchester bay. 1882, c. 256.

CHAPTER 256. SECTION 1. No part of the contents of the main sewer now or hereafter to be constructed running southeasterly from the direction of Charles river in the city of Boston shall be discharged at or near the shore of the Calf pasture, so called, in Dorchester bay, or at any place in Boston harbor or vicinity, except at Moon island. The supreme judicial court or any justice thereof, upon the petition of not less than ten taxable inhabitants of the city of Boston, may restrain by injunction, or otherwise, any violation of the provisions of this act.

POLLUTION OF RIVERS AND SOURCES OF WATER AND ICE SUPPLIES.

Sources of water-supply not to be polluted. P. S., c. 80, § 96.

CHAPTER 80. SECTION 96. No sewage, drainage, or refuse or polluting matter, of such kind and amount as either by itself or in connection with other matter will corrupt or impair the quality of the water of any pond or stream hereinafter referred to, for domestic use, or render it injurious to health, and no human excrement, shall be discharged into any pond used as a source of water-supply by a city or town, or upon whose banks any filter basin so used is situated, or into any stream so used, or upon whose banks such filter basin is situated, within twenty miles above the point where such supply is taken, or into any feeders of such pond or stream within such twenty miles.

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